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A
COMPLEAT GUIDE
FOR
Justices of the Peace.

In Two PARTS.

The FIRST,
Containing the *Common and Statute Laws*
relating to the Office of a Justice of the Peace,
Alphabetically digested.

The SECOND,
Consisting of the most Authentick *Precedents*
which are now in Use, and do properly Concern
the same.

Originally Composed by J. BOND, Esq;

The Third Edition, Revised, Corrected,
new Methodized, very much Enlarged, and *Con-*
tinu'd down to the End of the last Session of Par-
liament, 1706. With other Large Additions and
Improvements, *Never before Printed.*

By J. W. of the Middle-Temple, Barrister.

To which is annexed a New and Compleat TABLE
referring to Keble's Statutes.

L O N D O N :

Printed by the Assigns of Richard and Edward Atkins, Esqs;
for J. Cleave, at the Star next Serjeants-Inn in Chan-
cery-Lane; and W. Freeman, at the Bible against the
Middle-Temple-Gate in Fleetstreet. 1707.

Journal of the House

xv 253.13

AND WHEREAS the same is
the second
of the House of Representatives

of the House of Representatives
of the United States

of the House of Representatives
of the United States

T O T H E

R E A D E R.

THE Laws and Constitutions relating to the Publick Peace, and good a-bearing of one Man to another, are of general and necessary use; and fit to be known by all good Subjects to contain them in their Duty, as well as by the Magistrates to assist and guide them in the Punishment of Offenders.

Many Books have been already Publish'd on this Subject; but it has been thought that the various Matters which lie dispersed in divers Volumes, may be made more useful by being put into a shorter and more ready Method than formerly, with the Addition of such later Constitutions as have been made since the last Edition of any thing to this purpose.

Something of this nature past the Press many Years since, but so very uncorrect and faulty, and false in most of the Citations; that it has Cost as much, or more Labour to reduce it to Truth, amend the Errors, and supply the Defects, than to have Composed it wholly New.

This thus Corrected, with some requisite Alterations in the Method, and the Addition of a Table of a new Design, and much more

Reader.

*use than any Extant,
or the benefit of such as*

need not trouble the Reader with any further Preface, but only these two Premonitions.

First, That where in this Book, or indeed any other, we read the word King, we are thereby to understand also every Sovereign Queen: For as Sir Edward Coke Observes 3 Inst. p. 7. A Queen Regnant is within these words [nostre Seignior le Roy] for She hath the Office of a King.

Secondly, The Reader is advised that when he sees a Statute here cited, to have recourse to the Statute Book at large, (which no Justice of Peace can be without,) and proceed exactly according to the Words there Printed. For all Abridgments are but as a larger sort of Tables to point out the Authority at large; and that is it which is to be depended on where there is occasion: The Compendium or Abridgment being only a Guide to direct the Reader in the right Way, the other being the Journeys End.

And for the greater ease of all such as have recourse to any Statute here Cited, not only the Chapter but the Section of that Chapter, is in this Impression set down with great Care and Exactness, as it is Printed in Keble's Statutes. So that the Party searching is not forced to Read, or Run over the whole Act, but is pointed to the Place sought for, directly.

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L A W S

Relating to

Justices of Peace.

Of Conservators of the Peace at the Common Law.

THE King (or Sovereign Queen of this Realm) *The King's*
is the Principal Conservator of Peace, from *Majesty,*
whom the Administration of all Justice, and
the Jurisdiction of all Causes were originally
derived.

The Lord Chancellor or Keeper, Lord High Steward *Great Of-*
of England, Lord Marshal and High Constable of Eng- *ficers of the*
land, Lord Treasurer of England, and every Justice of *Realm.*
the Kings Bench, and Master of the Rolls are Conservators
of the Peace over all the Realm, and may award Pre-
cepts, and take Recognizances for the Peace by virtue
of their Places, and upon not finding Sureties for the
same may commit to Prison.

The Chamberlain of *Chester* hath the Conservation of County Pa-
the Peace within that County Palatine. But all the Con- *latine.*
servators now adays have Commissions by which they
act.

There are others that are Conservators of the Peace by
virtue of their Offices, and within the Precincts of their
respective

Judges
within
their View.

respective Courts, viz. Justices of the Court of Common Pleas, Barons of the Exchequer, and Justices of Assize and Gaol-delivery; all which may grant the Surety of the Peace, and if the Offenders be within their View, they may send their Officers to bring them before them, and for want of Sureties may commit them. Only Justices of Assize (as such) according to Mr. Lambert's Opinion, can award no Process, or take Sureties of the Peace.

Courts of
Record.

The Stewards of the Sheriffs Turn of a Leet of a Court of Pipowder, are likewise Conservators of the Peace, within their several Courts, and may commit for an Affray done in their Courts, while they are executing their Offices, but can grant no Process of the Peace. They may also impose a Fine for Contempt. The like Law is in all other such Courts of Record.

Sheriff's.

The Sheriff is principal Conservator of the Peace, and upon request may require the Surety of the Peace and may take the same *ex officio*; and this seems to be by the very words of his Commission.

Coroner.

Coroners are Conservators of the Peace and take Surety of the Peace by Obligation.

High-Con-
stables.

The High Constables are Conservators of the Peace, and at their Petty Sessions may commit for an Affray.

Constables.

Petty Constables are Conservators of the Peace *ex officio*, and must use their endeavours to keep the Peace, and may cause such to find Sureties to keep the Peace, as well before as after the Affray; So Borsholders, Thirdboroughs, Tythingmen, and Headboroughs, or Chief Pledges have the like Authority at least in their absence, for otherwise they are but Assistants to them in the Parish at large, viz. such Parishes as have Constables, for otherwise they differ but in Name. All these may make Deputies because but in ministerial Offices.

Tything-
men.

All Conservators of the Peace may command the assistance of others to arrest all such who in their presence shall break the Peace, and for their neglect herein may be punished by Indictment. 3 *Inst. fol.* 158.

The first Ordaining of Justices of the Peace.

Justices of
Peace their
beginning.

Justices of the Peace were Ordained by the Statute of 1 Ed. 3. St. 2. cap. 16. Anno Dom. 1327. and afterwards in the same Kings Reign by a Statute made in his 36th Dalt. 6. year, cap. 12. they received their Names of Justices of the

Part I. Justices of Peace.

3

the Peace, and since *Custodes Pacis* and *Justiciarii Pacis* have been adjudged to be the same Office: They and every one of them are Justices of Record; his Warrant likewise is matter of Record, not to be disputed by the Constables. By the 12 R. 2. cap. 10. there should be but six Justices of the Peace in every County with the Justices of Assize: By a Statute made two years after they were enlarged to eight; by a subsequent Statute all Justices of the Peace (except Lords and Judges) are commanded to be resident in their respective Counties.

Matters concerning the Peace in general.

Peace is legally taken for an abstinence from actual Peace, and injurious force, and offer of Violence: For the maintaining of this Peace, these Justices were first ordained. *what it is.*

The breaking of it is the using violence against the Persons, Goods, Lands or Possessions of another by Words, Gestures or Force of Body in any thing done in terror of the people. *How it is broken.*

This Peace is to be preserv'd by these Justices, and that three ways. (1.) Preventive by taking Surety for the keeping of it, or good Behaviour. (2.) Pacifying such as are actually breaking it. (3.) Punishing those that have broke it. *How it may be preserved.*

The power of constituting these Justices of Peace is now only in the King, which formerly in part was delegated to others; but is since reassumed by the Statute of 27 H. 8. cap. 14. *Justices by whom to be constituted.*

There are three sorts of Justices of the Peace, and created by as many ways. 1. By Act of Parliament, as the Bishops of Ely and their Stewards, the Archbishop and Bishop of York and Durham and their Chancellors, 27 H. 8. cap. 24. *Three sorts of them.*

2. By the King's Letters Patents under the great Seal (and by his Bill assigned) as Mayors, &c. Chief Officers of Towns Corporate, and such the King cannot discharge at his pleasure; but for cause the Liberties may be seised, and likewise a concurrent jurisdiction may be granted to others in the same place.

If the Justices by Letters Patent have any Commission *ad audiendum & terminandum*, this Grant as it seems is void unless some one person learned in the Laws be joined with them. These particular sorts of Justices may name.

execute all the power given by Statute to any Justice of the Peace, but have not as large Authority as is usually given.

3. Justices of the Peace by Commission. These are made of course under the Great Seal of *England*, and appointed by the discretion of the Lord Chancellor, or Lord Keeper (in *Lancaster* they are made under the Seal of the Dutchy) their Authority is determinable, by the demise of the Queen; at the Queen's pleasure, and that either signified by *Supersedeas*, which doth but suspend their Authority, and may be revived by *Procedendo*; or (Secondly) By Implication, as by granting Commissions to others, which is the same likewise, leaving out the old ones, whose power ceases either by notice, reading the new Commission, or holding Sessions by virtue of it; but nothing already done by them shall be deemed void, or Process, &c. then depending be discontinued. The Acts of the old Justices are lawful till the Sessions when the new Commissioners are published, *Mo. 187.* (Thirdly) By accession of another Office, as of Sheriff in the same County, during which time it is suspended as it seems; but if made a Coroner it is held by some Opinion that his Power is extinct, but an accession of any honour or dignities takes not away their Power.

Note, All new Offices of Inheritances, and also such Officers as are chosen by the People by virtue of the Queen's Writ, or any otherwise, are not determined by the demise of the Queen, as Coroner, Constable, &c.

What Oaths they must take before they can execute their Authority.

EVery Justice of Peace before he takes upon him to execute his Office shall take three Oaths; the one relating to his Office; the other two are mentioned and appointed to be taken by an Act of Parliament made the first of King *William* and Queen *Mary*, Intituled, *An Act for Abrogating the old Oaths, &c.*

The Form of the Oath of Justices of the Peace, is as followeth.

YE shall swear, That as Justice of the Peace in the County of *Devon* in all Articles in the Queens Commission to you directed, you shall do equal Right to the Poor, and to the Rich, after your cunning, wit and power, and after the Laws and Customs of the Realm, and Statutes thereof made: And ye shall not be of Counsel of any Quarrel hanging before you: And that ye hold your Sessions after the Form of Statutes thereof made; and the Issues, Fines and Amerciaments, that shall happen to be made, and all Forfeitures which shall fall before you, ye shall cause to be entred without any concealment (or imbezilling) and truly send them to her Majesties Exchequer: Ye shall not let for Gift, or other Causes, but well and truly you shall do your Office of Justice of the Peace in that behalf; and that you take nothing for your Office of Justice of the Peace to be done, but of the Queen, and Fees accustomed, and the Costs limited by the Statute; and ye shall not direct, nor cause to be directed any Warrant (by you to be made) to the Parties, but ye shall direct them to the Bailiffs of the said County, or other the Queen's Officers (or Ministers) or other indifferent Persons, to do execution thereof;

So help you God, &c.

The parts of this Oath are shortly six.

1. They shall do equal Right to the Rich and Poor, and according to the Laws and Statutes of the Realm.
2. They shall not be of Counsel with any person in any matter depending before them.
3. That they shall keep their Sessions according to the Statutes, which (as it seems, by the prescript of the Statute 2 H. 5. cap. 4.) ought to be in the first Week after the Feast of St. Michael, after the Epiphany, after the Clause of Easter, and after the Translation of St. Thomas the Martyr, being the seventh day of July. And accordingly the Quarter Sessions of the Peace ought so still to be holden throughout the Realm; See *Lamb.* 579, 580. and yet by the Statute of 14 H. 6. cap. 4. The Ju-

Justices of the Peace of *Middlesex* are to keep their Sessions but twice in the year.

4. That all Issues, Fines, Amerciaments and Forfeitures which happen before them, be by them truly entred and sent into the Exchequer.

5. That they take nothing for doing their Office but of the Queen, and the accustomed Fees appointed by the Statutes.

6. That they shall not direct any their Warrants to the Parties, but to the Bailiffs of the County, or to other the Queens Officers, as to the Sheriff, High-Constables, Petty-Constables, &c. or other indifferent Persons.

See after the Oaths of *Allegiance* and *Supremacy*, and the *Declarations* and *Certificates* thereupon to be made under the Title Oaths.

Which is to be taken by force of the Statute of 13 R. 2. c. 7. by a *Dedimus* out of *Chancery* directed to two Justices of the Peace, the Clerk of the Peace, or one of them, giving them or either of them, power to administer the said Oaths.

The Form of the Commission of Peace.

ANNA, &c. Prædilecto & fideli William Cowper Arm. Custod. magni sigilli Angliæ, &c. salutem.

Sciatis, quod assignavimus vos, conjunctim & divisim & quemlibet vestrum, Justiciarios nostros ad pacem nostram in Comitatu nostro Devonie conservandum: Ac ad omnia ordinationes & statuta pro bono pacis nostræ ac pro conservatione ejusdem, & pro quieto regimine & gubernatione populi nostri edita, in omnibus & singulis suis articulis in dicto Comitatu nostro (tam infra libertates, quam extra) juxta formam & effectum eorundem custodiendum, & custodiri faciendum. Et ad omnes contra formam ordinationum vel statutorum illorum aut eorum alicujus, in Com. præd. delinquentes, castigandum & puniendum, prout secundum formam ordinationum & statutorum illorum fuerit faciendum, & ad omnes illos, qui alicui, vel aliquibus de populo nostro de corporibus suis, vel de incendio domorum suarum, minas fecerint, ad sufficientem securitatem de pace vel bono gestu suo, erga nos & populum nostrum inventendum coram vobis, seu aliquo vestrum venire faciendum. Et si hujusmodi securitatem invenire recusaverint, tunc eos in prisonis nostris (quousq; hujusmodi securitatem invenerint) salvo custodiri faciendum.

Assignavimus etiam vos & quoscunque duos, vel plures vestrum (quorum aliquem vestrum, A. B. C. D. E. F. &c. unum esse volumus) Justiciarios nostros, ad inquirendum per sacramentum proborum & legalium hominum de Comitatu prædicto (per quos rei veritas melius sciri poterit) de omnibus & omnimodis felonis, veneficiis, incantationibus, sortilegiis, arte magica, transgressionibus, forestallariis, regratariis, ingrossariis & extortionibus quibuscunque; Ac de omnibus & singulis aliis malefactis & offensis (de quibus Justiciarii Pacis nostræ legitime inquirere possunt, aut debent) per quoscunque & qualitercunque in Comitatu prædicto factis sive perpetratis, vel imposterum ibidem fieri, vel attemptari contigerit: Ac etiam de omnibus illis qui in Comitatu prædicto in Conventiculis contra pacem nostram, in perturbationem populi nostri, seu vi armata ierint, vel equitaverint, seu imposterum ire vel equitare præsumperint: Ac etiam de omnibus his qui ibidem ad gentem nostram machinandum, vel interficiendum in insidiis jacuerunt vel imposterum jacere præsumperint: Ac etiam de hostelariis, & aliis omnibus & singulis personis qui in abusa ponderum vel mensurarum, sive in venditione victualium, contra formam ordinationum & statutorum vel eorum alicujus, inde pro communi utilitate Regni nostri Angliæ, & populi nostri ejusdem, editorum deliquerunt, vel attemptaverunt, seu imposterum delinquere, vel attemptare præsumperint in Com. præd': Ac etiam de quibuscunque; Vicecomitibus, Ballivis, Seneschallis, Constabulariis, Custodibus Gaolarum, & altis officiariis, qui in executione officiorum suorum (circa præmissa seu eorum aliqua) indebite se habuerunt, aut imposterum indebite se habere præsumperint, aut tepidi, remissi vel negligentes fuerunt, aut imposterum fore contigerint in Comitatu prædicto: Et de omnibus & singulis articulis & circumstantiis, & aliis rebus quibuscunque; per quoscunque; & qualitercunque; in Comitatu prædicto factis sive perpetratis, vel quæ imposterum ibidem fieri, vel attemptari contigerint qualitercunque; præmissor', vel eorum alicujus concernentibus plenius veritatem, & indictamenta quæcunque; sic coram vobis, seu aliquibus vestrum, capta, sive capienda aut coram aliis nuper Justiciariis Pacis in Com. præd. facta sive capta & nondum terminata) inspiciendum. Ac ad processus inde versus omnes & singulos, sic indictatos, vel quos coram vobis imposterum indictari contigerit (quousque; capiantur, reddant se, vel utlagentur) faciendum & continuandum. Et ad omnia & singula felonias, veneficia, incantationes, sortilegia, artes magicas, transgressiones, forestallarias, regratarias, ingrossarias, extortiones, conventicula, indictamenta prædicta, cæteraque; omnia & singula præmissa, secundum leges, & Statuta Regni nostri Angliæ (prout in hujusmodi casu fieri consuevit aut debuit) Audiendum & Terminandum; & ad eosdem delinquentes, & quemlibet eorum, pro delictis suis per fines, redemptiones, amerciamenta, forisfacturas, ac alio modo (prout secundum

secundum legem & consuetudinem Regni nostri Angliæ, aut formam ordinationum vel statutorum prædictorum, fieri consuevit aut debuit) castigandum & puniendum, proviso semper, quod si casus difficultatis super determinatione aliquorum præmissorum coram vobis vel aliquibus duobus vel pluribus vestrum evenire contigerit, tunc ad iudicium inde reddendum, nisi in præsentia unius Iusticiariorum nostrorum, de uno vel de altero Banco, aut Iusticiariorum nostrorum ad Affixas in Com. præd. capiendas assignatorum coram vobis vel aliquibus duobus vel pluribus vestrum minime procedatur.

Et ideo vobis, & cuilibet vestrum mandamus, quod circa custodiam pacis, ordinationem statutorum & omnium & singulorum cæterorum præmissorum diligenter intendatis. Et ad certos dies & loca, quæ vos vel aliqui huiusmodi, duo vel plures vestrum (ut prædictum est) ad hæc provideritis, super præmissis faciatis inquisitiones, & præmissa omnia & singula audiat. & terminetis, ac ea faciatis & expleatis in forma prædicta inde quod ad iusticiam pertinet, secundum legem & consuetudinem Regni nostri Angliæ: Salvis nobis amerciamentis, & aliis ad nos inde spectantibus.

Mandamus etiam tenore præsentium Vicecomiti nostro Devonæ, quod ad certos dies & loca quæ vos vel aliqui huiusmodi duo vel plures vestrum ut prædictum est, ei ut prædictum est Scire faceretis, venire faciat coram vobis vel huiusmodi duobus vel pluribus vestrum (ut dictum est) tot & tales probos & legales homines de balliva sua (tam infra libertates quam extra) per quos rei veritas in præmissis melius sciri poterit & inquiri.

Assignavimus deniq; te præfat. J. B. Mil. Cust. Rot. pacis nostræ in dicto Comitatu nostro. Ac propterea tu, ad dies & loca prædicta, Brevia, Præcepta, Processus & Indictamenta prædicta coram te & dictis sociis tuis venire facias, ut ea inspiciantur, & debito fine terminentur, sicut prædictum est. In cujus rei Testimonium, &c. Datum, &c.

What Power they have by their Commission.

Dalt. 16.

Dalt. 19.

BY the Conclusion of the Commission the Custos Rotularum shall have the keeping of the Records of the Sessions and Indictments, Recognizances, &c. but not of special Records, as of Riots, Precepts of the Peace, &c. not belonging to the General Sessions.

Dalt. 20:

A Justice of the Peace by virtue of the word *assignavimus* in the Commission is constituted Conservator of the Peace, and hath thereby a separate Power, and may do all Acts apart and by himself, for the preservation of the Peace;

Peace; but where Statutes are made for the Peace, and no power therein given to a single Justice, he can only admonish, and if not obeyed, prefer it to the Sessions, where by a Presentment upon the Statute, the Party must be prosecuted.

The King by his Commission may grant the Execution of one or more Statutes to whom he please. though the Statute give not such Power, nay of such Statutes as were made before Justices of the Peace were constituted, as the old Statutes of *Winchester* and many more.

Secondly, Two Justices of the Peace by virtue of the Word *assignavimus* have joint power, one of them being of the *Quorum*. 1. To enquire (by Jury) of all Offences mentioned in the Commission. 2. To take Indictments. 3. To grant out Process. 4. To hear and try the Offence upon Indictment formerly taken before themselves, or other Justices of the Peace, Matters belonging to the second *assignavimus* belonging to the General Sessions. Dalt. 21.

Note, Where Statutes give power to Justices it may be executed by them, tho' not mentioned in their Commission, or if mentioned there, tho' not in the Statute.

Concerning Justices in General.

THE Authority of the Justices of Peace (both by their Commission and by their Statutes) is either,
1. Ministerial and they are thereunto commanded by an higher Power, as

1. Upon a *Supplicavit* out of *Chancery*, fortaking Surety for the Peace, or Good Behaviour, See *Tit. Peace*.

2. Upon a Writ on the Statute at *Northampton*, 2 E. 3. c. 3. for a forceable Entry. *F. Co. 3. Inst. 161.*

3. Upon a *Certiorari* of the Courts at *Westminster* to certify any Recognizance, Indictment or other Record either taken before them or in their Custody.

In all which Cases, the Justices may act no otherwise than they are authorized by the Writs, which they must likewise return into the Courts whence they issued, with their doings thereupon.

2. Judicial, or absolute, wherein they proceed *ex Officio*, and as Judges; By this authority they are to proceed in most matters, observing these Rules.

Where

Where the Matter is to be tried by Witnesses, regularly two Witnesses are requisite. Otherwise it is where the Tryal is by a Jury, for there one Witness sufficeth, and many times no Witnesses at all are necessary.

Tryal of Offenders by examination of Witnesses is not justifiable but only in such Cases where some Statutes direct the same.

A Justice cannot bind over an Offender against a Penal Law without being first indicted.

An Infant and Feme Covert seem both of them to be bound by every Statute, in which they are not excepted, *Dyer* 104. p. 13 *Br. Tit. Imprif. cont.*

If any Statute mention proof single it shall be understood of the best proof, which is by Jury, 6 Co. f. 20 *Gregories Case*.

All Articles within the Commission of the Peace are Enquirable and Determinable at any special Sessions; *Lamb.* 623. So it is where a Statute useth the Word *Sessions* indifferently, *Lamb.* 624.

Note, That the Statutes of 4 H. 7. 12. 37 H. 8. 7. Give farther power to Justices of the Peace in some Cases, than is expressed, either in their Commission or in any particular Statute.

Note also, That the Justices may enquire of such Trespases whereupon any Man may have an Action upon his Case for the Trespas or Deceit: For in the end of such Action upon the Case these words are inserted *Contra pacem nostram*, *Fitz. Justice*, f. 12. b.

Concerning Justices in *Wales*, see after *Tit. Wales*.

Statutes whereby one Justice alone hath power given him.

N*ote*, One Justice only cannot take any Inquisition unless power be given him by some Statute, *Mich.* 7 Ed. 4. fol. 18.

In the Catalogue ensuing I shall observe (where the Subject matter will afford it.) 1. The Offence. 2. The Statute against which 'tis committed. 3. What Conviction is requisite. And lastly, the Penalty.

Alehouses,
&c.

One Justice alone may punish Innkeepers, &c. Selling less than one quart for a peny, 1 Jac. c. 9. 21 Jac. 7.

By proof of one Witness, View or Confession.

Shall

Shall be disabled for keeping an Alehouse for three Years.

And forfeit twenty shillings, to be levied by Distress, &c. after six days, and for want of Distress to be committed till payment.

If Constables shall neglect to levy the penalty, or not certifie the want of Distress within twenty days, shall forfeit forty shillings, to be levied, *ut supra*.

May punish Inkeepers, &c. suffering any of the Parishioners to continue tipling in their Houses, 1 Jac. c. 9. 21 Jac. c. 7.

By proof of one Witness, or View.

Shall be disabled, &c. And forfeit ten shillings, to be levied by Distress, *ut supra*.

Constables, &c. not performing their Duty shall be punished, *ut supra*.

May punish any Inkeeper, &c. suffering any person whatever to continue Tipling in his House, 1 Jac. 9. 21 Jac. 7. 1 Car. 4.

By proof of one Witness, or View.

Shall forfeit ten shillings, to be levied by Distress, and to be sold in six days, restoring the Overplus; for want of satisfaction, for want of Distress to be committed till payment, and disabled, *ut supra*.

May punish any Convict for being drunk, but the Conviction ought to be within six Months after the Offence committed, 4 Jac. 5. 21 Jac. 7. *Drunkenness.*

By proof of two Witnesses or on View.

Shall be bound with two Sureties to the Good Behaviour in ten pounds, and pay five shillings to the Churchwardens within one Week after Conviction, or else to be levied by Distress and Sale, and for want of Distress to be set in the Stocks three hours, the Constable not levying it shall forfeit ten shillings to the Poor, to be levied, *ut supra*.

May punish Townsmen, or others, continuing tipling *Tipling.* in any Inn, &c. 4 Jac. 5. 21 Jac. 7.

By proof of one Witness or View.

Shall forfeit three shillings and four pence, to be levied by Distress; after one weeks neglect of payment, to sit in the Stocks four hours, and the Alehouse-keeper disabled, *ut supra* The Constable for their neglect shall forfeit ten shillings.

May punish Common Victuallers, for keeping any Lent. dressed or killed Flesh in their Houses in Lent, 1 Jac 29. 3 Car. 4.

Upon

*Forceable
Entry.*

Upon View shall seize it, and give it to the Poor.

May punish Offenders in case of forceable Entry, 5 R. 2. cap. 7. 15 R. 2. cap. 2. 8 H. 6. cap. 9. 31 Eliz. cap. 11. M. 21 H. 6. fol. 5.

Upon View only shall be imprisoned, fined, and remove the force, and upon pledge found upon the Fine to deliver them. But restitution cannot be made without Enquiry. *Dalt.* 44, 45.

May make Restitution of Possessions unto Tenants, for years (by Copy of Court Rolls) Gardians by Knight Service, Statute-Merchant, Staple or Tenants by them so holden in case of forceable Entries, 21 Jac. 15.

By Enquiry only, not else in any Case. In this Case of Restitution, he may not upon the Enquiry fine or commit them, nor can Restitution be made without Enquiries, *Dalt.* 44, 45.

May enquire of the default of Sheriffs not returning sufficient Jurors to enquire of forceable Entries, 8 H. 6. 9.

*Unlawful
Games.*

By Indictment shall be fined twenty pounds.

May punish Keepers of unlawful Games, viz. Kale, Hand-ball, Foot-ball, Dice, Coits, Bowlings, &c. 33 H. 8. 9.

Shall be imprisoned till they become bound by Recognizance to keep no more.

May punish such as shall play in Houses, 33 H. 8. 9.

Shall be imprisoned until he become bound by Recognizance to play no more, and upon View pay six shillings and eight pence, to be recovered in Quarter-Sessions, 31 El. 8.

May punish such as shall any where play at unlawful Games out of *Christmas*, 33 H. 8. 9.

Upon view or knowledge of the same, may punish as on the Lords day assemble out of their own Parish for Sports or Pastimes: And such as on the Lords day shall use Bear-baiting, &c. or any other unlawful Exercise, 1 Car. 1. c. 1.

Upon one Witness, View or Confession, shall forfeit three shillings and four pence to the Poor, to be levied by Distress, &c. restoring the Overplus, and for want of Distress to be set in the Stocks three hours.

Church.

May certifye the Names of such into the *Queens-Bench*, as shall for twelve Months absent themselves from Church, 23 Eliz. 1. §. 5.

Shall

Shall in the *Queen's Bench* be bound in Two hundred pounds to be of the Good Behaviour, and if then he absent himself from Church for twelve Months, he forfeits his Recognizance, *Dalt.* 163. *Lamb.* 114, 115, 127, 180.

May punish such as go not to Church on Sundays, and Holy-days, 1 *Eliz.* 2. 3 *Jac.* 4.

Upon proof of one Witness, shall forfeit twelve shillings for every default, to be levied by Distress, and for want of Distress to be committed to some Prison until the same be paid.

May punish those as shall wilfully disturb such as are *Preachers*. allowed to Preach, or he that doth rescue any Offender, 1 *Mar. Sess.* 2. cap. 3.

By proof of two Witnesses or Confession, shall be committed to safe Custody, and within six days if (upon Examination) that Justice with one more shall find him guilty, then to be committed for three Months.

A Justice of Peace having made discovery of any *Ag-nus Dei*. *Crosses*, *Pictures* or *Beads*, must declare the same to some of the Privy Council, 13 *Eliz.* 2. Shall incur the penalty of a *Præmunire*, for concealing.

May require Seditious Sectaries not conforming with- *Sectaries*. in three Months after convicted to reform, and for default thereof require them to abjure the Realm, 35 *Eliz.* 1.

It is Felony for him to refuse to abjure, but it must be done in open Sessions.

But Note it hath been since Enacted by *Stat.* 1 *W. & M. Sess.* 1. cap. 18. That all Persons that shall take the Oaths and Subscribe the Declaration in that Act mentioned, shall not be subject to the Penalties of the Act of 35 *Eliz.* nor that of the 22 *Car.* 2. against Conventicles.

May give the Oath of Supremacy to Priest or Je- *Priests*. suits that shall within three days after their Landing submit themselves, and acknowledge their Obedience to the King's Laws in Causes of Religion, 27 *Eliz.* 2. §. 10.

Shall forfeit 100 *l.* if he neglect to certify the Oath and Submission into the *Chancery*.

May punish Swearers, &c. if complaint be made with- *Swearers*. in twenty days, 21 *Jac.* 20.

Upon proof of two Witnesses or Confession shall forfeit one shilling, to be levied by Distress, or sit in the Stocks

Stocks three hours ; if not twelve years of Age shall be whipped.

Hue and Cry, Watches. May command Hue and Cry to be made after Felons, and Watches to be set between the Feasts of *Ascension* and *Michaelmas*.

Highways. May cause High-ways to be enlarged. May chuse two Constables in every Hundred. And require Constables to present such as lodge Strangers in upland Towns, for whom they will not answer, *Stat. Winchester.*

Priest. May upon discovery of any Priest or Jesuit inform the Privy Council within twenty days, and take a note thereof under their Hands, 27 *Eliz.* 2. shall forfeit 200 Marks.

Church. If any above twenty years old shall stand presented or indicted for not coming to Church, or if the Minister or Petty Constable, and Churchwardens, or two of them, shall complain of any suspected, 7 *Jac.* 6.

May require him to take the Oath of Allegiance, and upon refusal commit him until the next Sessions or Assizes.

Priest. If any suspected to be a Jesuit or Priest shall refuse to give a direct answer, 35 *Eliz.* 2 shall be committed without Bail till he doth.

May take information of such as will give notice where Mass is to be said, within three days after the Offence, 3 *Jac.* 5.

Arms. May punish such as secretly wear Coats of Mail, carry Daggers and Pistols, and such as ride armed, *Stat. North.* 2 *Ed.* 3. 3. *Pult. de P. f.* 3. §. 8. 5 *Co. fol.* 7.

Upon view shall have their Armour taken from them, or prized by a Jury, and imprisoned at the Kings pleasure.

Orchards. May punish such as rob Orchards, Woods, Steal Rails or Corn, &c. 43 *Eliz.* 7. Upon proof of one Witness shall be whipped or make satisfaction ; The Constable neglecting to punish such, shall be committed.

Tyle. May punish such as make bad Tyle, 17 *Ed.* 4. 4.

Upon proof two of Witnesses, or by Indictment shall for every hundred of plain Tyle forfeit five shillings, and for Roof Tyles six shillings and eight pence.

Tenters. May punish such as stretch their Cloth on Tenters, 39 *Eliz.* 10. 43 *Eliz.* 10. 4 *Jac.* 2. 21 *Jac.* 18.

Upon view of a Justice of Peace or Head Constable may deface them, and after sell them, and the Money to be given to the use of the Poor,

May punish such as keep Markets or Fairs in Church-yards, *Stat. Winch. 13 Ed. 1.* shall be fined. *Markets.*

May punish Soldiers purloining Armour, Horses or Harness, on 3 *Ed. 6. 2.* upon complaint or proof shall be committed until he make satisfaction. *Soldiers.*

May punish the Sheriff if he shall enter several Plaints for one Cause, or if the Plaintiff give not Security to prosecute his Action, 11 *H. 7. 15.* *Sheriffs.*

Upon Examination of the Clerk of the Shire, and Plaintiff, shall forfeit for every Plaint forty shillings : And the Justice neglecting to certifie it into the *Exchequer* shall likewise forfeit forty shillings, to be proceeded against by Process, as in Trespass.

May punish Bailiffs of Hundreds for their neglecting to warn the Defendant in the County Court, 11 *H. 7. 15.* shall upon Examination be convicted. Pay for every offence forty shillings.

May punish Bayliffs not sworn and others that shall gather the Amerciaments of Sheriffs, or take more than is estreated, not being first examined by two Justices, 11 *H. 7. 15.* shall be convicted upon Examination, and forfeit forty shillings for every Offence.

May punish all such as being five Miles from the Sea shall shoot in any Gun at large at any thing, except Licence to kill Hawks Meat, 33 *H. 8. 6. 1 Jac. 27. 15.* shall forfeit ten pounds to be estreated into the *Exchequer*, and imprisoned till payment. *Shooting.*

By the Statute of 2 & 3 *Ed. 6. cap. 14.* It was Enacted, That no Person under the Degree of a Lord of Parliament shall shoot in any Hand-gun in any City or Town, and that no Person shall shoot any Hail-shot, upon pain to forfeit 10 *l.* and Imprisonment for three Months : But this Act is repealed by 6 & 7 *W. 3. cap. 13.*

May punish any taken by the Watch, being suspected to be Robbers, 5 *E. 13. 14.* shall be committed till the Assizes, and bound to the Good Behaviour. *Robbers.*

May appoint Conservators and Overseers of Rivers, and survey them. *Rivers.*

May punish such as from the midst of April till Midsummer, shall take Salmon in Mill-Pools, or kill any between the eighth of September, and the seventh of November, *West. 2. 13 Ed. 1. 47. 13 R. 2. 19. Lamb. 190.*

By Indictment or upon View, shall be imprisoned three Months, and their Nets burnt.

May punish such as shall at any time destroy the Fry of Fish with Nets, 13 *R. 2. 19.* upon Enquiry or View, shall *Game.*

shall by Indictment in Sessions forfeit their Nets and ten shillings, to be levied by Distress, &c. restoring the Overplus.

Servants.

May punish Servants in Husbandry, &c. going from Town to Town, not having Testimonials of their lawful departure, 5 *El.* 4. shall be imprisoned till he get a Testimonial, which he must procure in the space of one and twenty days, or punished as a Vagrant.

May punish such as being between the Age of ten and eighteen shall refuse to serve as an Apprentice at Husbandry, &c. being required thereto, 5 *Eliz.* 4. shall be committed until he will serve.

May cause Artificers and others being able to work by the day in Hay or Corn-Harvest, 5 *Eliz.* 4. shall be by the Constable set in the Stocks for two days and one night, which if he neglect shall forfeit forty shillings in Sessions.

May licence such as will go from County to County to work in Harvest, 5 *Eliz.* 4.

May allow Masters to put away their Servants within the Term if there be cause, but not their Apprentice, 5 *Eliz.* 4. *Dalt.* p. 60.

Game.

May examine such as in the Night time take Pheasants and Partridges, or Hawk in Eared Corn, 23 *Eliz.* 10. shall bind them over to the next Sessions, and upon refusal commit them to Prison.

May take Recognizance for the appearance of such as take with Setting Dogs, Pheasants or Partridges, and return it to the next Sessions, 3 *Jac.* 11.

Estreet.

May estreat the Forfeitures of such as are convicted before him, for shooting in Cross-bows and Hand-guns, into the *Exchequer*, 33 *H.* 8. 6.

Certifie.

May certifie the Offence presented to him for not coming to the High-ways, into the Sessions 3 *Mar.* 8. 5 *Eliz.* 13. 18 *Eliz.* 9.

Highways.

The Justice not certifying it shall forfeit five pounds, the Churchwarden forty shillings not certifying to the Justice.

May present to the Quarter Sessions the Constables and Churchwardens if they call not together yearly the Parishioners, the *Tuesday* and *Wednesday* in *Easter-week*, and chuse Surveyors for mending the Highways, 5 *Eliz.* 13. Shall upon their neglect be fined in the Quarter-Sessions.

May present Constables and Way-Wardens if they appoint not six days for the repairing of the Highways leading

leading to Market Towns, 5 *Eliz.* 13 shall upon the Justices Presentment be fined.

Houſholders, &c. reſuſing to labour, or not ſending every of the ſix days an able Labourer for eight hours, 5 *Eliz.* 3. *Dalt* 52. ſhall upon the Juſtices Preſentment be fined in Sessions.

Owners of Ground next the Highways not keeping their Hedges diked, and kept low, 5 *Eliz.* 13. *Dalt.* 52. ſhall be fined twenty ſhillings.

If any reſuſe being elected Surveyors of the Highways, 5 *Eliz.* 13. ſhall be preſented in Sessions and fined.

Surveyors of Highways not preſenting within one Month ſuch as neglect or abſent them from repairing the Highways, 5 *Eliz.* 13. ſhall upon the Preſentment of one Juſtice be fined forty ſhillings in Sessions.

High Conſtables and Bailiffs neglecting to levy the Amerciaments eſtreated for not repairing the Highways, or not making true Account of Sums levied to the Conſtables and Churchwardens of the Pariſh, or if the ſame be not laid out in the mending the Highways of the Pariſh, 5 *Eliz.* 13. ſhall upon the Preſentment of one Juſtice be fined in Sessions.

May puniſh wandring Rogues, 39 *Eliz.* 4. ſhall be whipped and ſent to the place of their Birth; the Conſtable neglecting it ſhall forfeit ten ſhillings to be levied by the Warrant of two Juſtices. *Rogues.*

May puniſh common Labourers which will not work for Wages aſſeſſed, and ſuch as ſhall reſuſe being appointed by the Overſeers, 39 *Eliz.* 4. Judges Reſolution, 10. 43 *Eliz.* 2 7 *Jac.* 4. ſhall be ſent to Bridewel. *Laborours.*

Such as reſuſe to pay the Charges of their Commitment to the Gaol, 3 *Jac.* 10. ſhall be levied by Diſtreſsment, and Sale of their Goods by the Appraiſement of four honeſt Perſons *Charges.*

Shall give Teſtimonials under his hand of the landing of Mariners and Soldiers, with the Name of the place where they did Land, and where they are to paſs, 39 *Eliz.* 4. 39 *Eliz.* 17. *Teſtimonial*

May puniſh ſuch as ſhall wittingly be the Publiſher of falſe Propheſies 5 *Eliz.* 15. *Dalt.* 78. by Enquiry, ſhall forfeit ten pounds, and be impriſoned without Bail for one year. *Propheſies.*

May puniſh ſuch as ſhall make to ſell deceitful Mault, or Mault mingled, 2 *Ed.* 6. 10 27 *Eliz.* 14. 21 *Jac.* 28. Upon View or Information, ſhall be ſold by the Conſtable, by the advice of one Juſtice of the Peace. *Mault.*

- Apprentices.* May punish Masters abusing their Apprentices, and not obeying the Justices of Peace's Order, 5 *Eliz.* 4. §. 35. shall be bound to appear at the next Quarter-Sessions.
- Enrolments.* May with the Clerk of the Peace take and enrol Deeds of Bargain and Sale, acknowledged before them within six Months; shall for Fees of Land under forty shillings *per ann.* pay 12 *d.* to the Justice of the Peace, and 12 *d.* to the Clerk of the Peace: If above forty shillings *per ann.* shall pay two shillings six pence to each.
- Certifie.* May with the Customer certifie the unlading, and Sale of Corn and Cattle (carried to any place of the Realm) to the Customer where it was embarked, 5 *Ed.* 6. 14. 13 *Eliz.* 25.
- Transportation.* May punish such as shall transport beyond the Seas Mault, Beer, Butter, Cheese or Wood, 2 *Mar.* 5. by Examination of Masters and Mariners, the Owner knowing it, shall forfeit his Ship, the Owner of the Corn the value, the Master and Mariner shall be imprisoned one year, and forfeit their Goods.
- Logwood.* May examine Diers, their Servants and Workmen, if they make use of any Logwood, and bind the Masters and them to the next Sessions, 39 *Eliz.* 11. shall if convicted in Sessions, pay ten pounds and stand in the Pillory.
- Examination.* May examine such as are brought before him for Felony, or suspected thereof, and the Information of those that bring them, shall be put in Writing, 3 *Mar.* 10.
- Bailment.* May let to Bail Prisoners in the Common Gaol, if not for Felony or suspicion thereof, or for greater Offences, or whereby any Statute Bail is prohibited, 3 *H.* 7. 3. *Dalt.* 32.
- False news.* May punish persons accused for reporting false news, contrary to *West.* 1. 34. and 2 *R.* 2. 5. shall produce the Author, or be imprisoned, or bound to the Good Behaviour.
- Workhouses &c.* May make Taxes for Workhouses, if the Constables and Churchwardens do not, 45 *Eliz.* 2. shall be levied by Distress and Sale, and for want of Distress be committed.
- May do the like for the Asses of Mariners and Soldiers, 43 *Eliz.* 3.
- May tax the Parish until the next Quarter-Sessions for the relief of disabled Soldiers, if the Parishioners and Churchwardens shall not do it, 39 *El.* 17. 43 *El.* 3.

the Churchwardens making the Rate, may levy the same without other Warrant; but if it be done by Justice, it must be levied by his Warrant.

May grant forth his Warrant for the apprehending *Parks*, such as hunt in Parks by Night, with disguised or painted Faces, or shall be thus suspected, 1 H.7.7. *Lamb.* 191. If they conceal it tis Feloney, otherwise it is but a Trespass, fineable in the Quarter-Sessions.

May within a Month after Arrival, seize the Goods of *Gypsies*. People naming themselves *Egyptians*, 12 H.8.10. *Lamb.* 196. shall have one moiety to his own use, and give account for the remainder in the *Exchequer*; after the Month, the Goods are all forfeited to the King.

May examine Persons robbed, whether they know *Robbery*. those that robbed them, and bind them to prosecute them by Indictment, 27 H.13. If they shall refuse they cannot bring their Action and recover upon the Hundred.

May administer an Oath to Recusants confined which have Licence from him and three other Justices to travel about their Business, 3 Jac. 5. *Lamb.* 296.

May punish such as are licensed to transport Corn, *Transportation*. Victuals or Wood, if they transport more than is contained in their Licence, or shall land the same; or any part thereof at several places, 2 Mar. 5. by Enquiry and Examination of Master and Mariners, shall forfeit their Corn, Goods and Chattels, and treble Damages, and be imprisoned for one whole year.

May punish Carriers travelling with Horses, &c. and *Sunday*. Drovers with Cattel on the Sabbath day, Butchers killing or selling Meat on the Sabbath day shall be punished, 3 Car. 1. by proof of two Witnesses, View or Confession shall forfeit 20 s. to the use of the Poor, to be levied by Distress, &c. the Informer shall have the third part.

May punish such as usually sell Ale, Beer, &c. not having Licence, 3 Car. 3. upon proof of two Witnesses or Confession, shall forfeit 20 s. to the use of the Poor, to be levied by Distress, &c. after three days, restoring the Overplus, and if no Distress, or not paid within six days, to be whipped; for the second Offence shall be sent to *Bridewell*; for the third to remain there till delivered by Sessions.

May compel persons refusing to take cracked Money, *Cracked Money*. 19 H.7.5. at their discretion may commit them to *Money*. Prison.

Plague.

May command persons dwelling with those that have the Plague, not to go abroad, 1 *Jac.* 31. *Lamb.* 197. If they attempt afterwards to go abroad may be enforced to keep in their Houses ; if after Restraint, they shall go abroad shall be accounted Felons or Vagabonds.

Clothiers.

Clothiers not paying their Carders, Spinners and others their Wages in lawful Money, 4 *Ed.* 4. 1.

Upon examination shall for every default forfeit treble the Wages to the Workmen, &c. to be committed till payment.

Clothiers giving excessive weight to their Workmen, 4 *Ed.* 4. 1. Upon Examination shall for every Offence forfeit 6 *d.* to the Workman, shall be committed till payment.

Spinsters, Carders, Fullers, &c. neglecting their Duty, 4 *Ed.* 4. 1. Upon Examination shall forfeit to their Master treble Wages, and by the Constable in the Petty Sessions shall be committed till payment.

Begging.

May punish Soldiers, or Mariners found begging or counterfeiting a Certificate, 43 *Eliz.* 3. shall lose his Pension and be punished as a common Rogue.

Weights and Measure.

If any Man shall keep any other Weight, Measure or Yard than is according to the Standard at the *Exchequer.* 17 *Car.* 1. c. 19. by proof of one witness, shall for every Offence forfeit 5 *l.*

Tobacco.

Every Justice upon Notice given him of Tobacco sown within his Parish shall destroy it, 12 *Car.* 2. 34. Sheriff, Mayors, Constable, &c. may likewise do the same.

Every Justice a Month before the General Sessions shall grant his Warrant to every High Constable to search what Tobacco is sown, 22, 23 *Car.* 2. c. 26.

Deer.

May punish persons for killing Deer without consent, 13 *Car.* 2. c. 10. upon Confession or one Witness, shall forfeit 20 *l.* to the Owner and Informer, to be levied by Distress, or the Offender imprisoned six Months.

Carman, &c.

May commit Carmen, &c. taking Goods, landed without Warrant from a Customer, 14 *Car.* 2. c. 11. §. 7. upon proof of two Witnesses, must find Sureties before he be freed out of Prison.

Silk-throwing.

May punish Silk-winders, &c. imbezelling Silk, &c. received, 14 *Car.* 2. c. 15. upon confession or one Witness, shall pay Damages to the loser or be whipped.

Pilchards.

May punish suspicious Persons in the Night taking Pilchard Boats, 14 *Car.* 2. c. 28. shall forfeit 5 *s.* to the Poor and be set in the Stocks.

May

May grant Warrants to search for Wood, 15 Car. 2. c. 2. *Woodstealers.*
 the finding without proof by the Possessor of the Property shall be convicted of stealing it, shall pay Damages to the Owner, and any Sum to the Poor under 10 s. as the Justice shall name, or be committed and whipped any time under a Month by the like Order.

Shall administer the Oath to Gagers to gage, 15 Car. 2. *Gagers.*
 c. 11.

May punish Constables permitting Waggon to pass *Ways.*
 contrary to the Act, &c. 22 Car. 2. c. 12. upon proof of one Witness shall be fined not exceeding 40 s. to be levied by the High Constables.

May punish such as take Fish by Net, Engine, &c. in *Fishing*
 anothers Fish-pond, &c. 22, 23 Car. 2. c. 25. upon proof of one Witness, not exceeding treble Damages to the Party, and not exceeding 10 s. to the Poor, to be levied by Distress, or committed not above one Month.
V. Inf.

May cause Search to be made for Foreign Bone Lace, and to seize the same, 13, 14 Car. 2. §. 3.

Two Justices.

May punish Clothiers and others refusing to pay *Cloth.*
 Wages assessed in *Easter Sessions*, 1 Jac. 6. upon proof of two Witnesses or Confession, shall forfeit 10 s. to be levied by Distress and Sale.

May punish Clothiers putting Nouns, Thrums or Flocks into Broad-Cloth, 21 Jac. 18. upon proof of two Witnesses or Confession, shall forfeit 5 l. to be levied by Distress, and for want of Distress to be committed.

May appoint in Towns not Corporate, Overseers for Cloth and swear them, 3 Ed. 6. 2. 39 El. 20. 43 El. 10. shall forfeit 40 s. and be committed till payment, if he shall refuse the Office of being Overseer, shall forfeit 10 l. if they search not every quarter.

May in Towns not Corporate charge Overseers upon Oath, and bind them in Recognizance of forty pounds to use their best endeavour to discover those that make deceitful Cloth, 39 El. 20.

Overseers refusing to appear, or be bound, shall forfeit 40 s. and be committed till payment. The Justice neglecting to appoint Overseers shall forfeit 5 l.

May (by Warrant) call any before them, and examine him upon Oath for discovering Offences, Complaint being made by the Overseers of Cloth, 21 Jac. 18.

May punish Weavers, Carders, &c. imbezelling any Yarn or Wool, 7 *Jac.* 7. upon proof of one Witness, shall make satisfaction, whipped or set in the Stocks, the Receiver knowing it shall suffer like punishment.

Mault.

May punish persons making Mault, being prohibited by Order in Sessions, 39 *El.* 16. upon proof of two Witnesses or Confession, shall be committed without Bail until he become bound in forty pounds by Recognizance to obey such Order.

Game.

May punish Destroyers of Pheasants or Partridges, 7 *Jac.* 11. upon proof of one Witness. One Justice may bind him by Recognizance in twenty pounds not to kill or destroy any more, being first convicted before two Justices, &c. shall for such Offence be committed three Months, or pay 20 s. for each Bird so killed.

May punish Destroyers of Pheasants, Partridges, &c. with Guns, Nets, Bows or other Engins, 1 *Jac.* 27. shall immediately upon Conviction pay 20 s. to the Churchwardens or committed three Months.

May cause them to pay for every Partridge 20 s. for other Fowls 20 s. for the Eggs of Fowls 20 s. for every Hare 20 s.

May cause them to pay for destroying every Partridge, Fowl or their Eggs, or Hare 20 s. 1 *Jac.* 27. upon Confession or proof of two Witnesses. Or to give Recognizance in twenty pounds to kill no more, after Commitment one Month.

None not having ten pounds Inheritance, thirty pounds Freehold, or not having Goods to the value of 200 l. or not paying 40 s. to the Poor, shall keep any Greyhound or Setting-Dog, on pain to be committed and imprisoned if convicted, 1 *Jac.* 27. §. 3.

Any Man may in the day time by himself, or with his Servant, take Partridges between *Michaelmas* and *Christmas* having 40 l. Freehold *per ann.* eighty pounds Lease, or Goods to the value of 400 l. 1 *Jac.* 27. altered 7 *Jac.* 11.

May grant their Warrants to the Constable, &c. to search the House of any person suspected to have Setting-Dogs, Nets, &c. not having 40 l. Freehold *per annum*, &c. *ut supra* 7 *Jac.* 11. shall kill their Dogs and cut in pieces their Nets.

May punish such as hawk before the first of July and the last of August, 7 *Jac.* 11. 23 *El.* 10. upon proof of two Witnesses, shall suffer three Months Imprisonment if convicted within six Months, or pay for every hawk-

king

king 40 s. and 20 s. for every Pheasant or Partridge he shall kill.

May punish such as not having 40 l. Inheritance *per ann.* or not worth 200 l. in Goods, or hath not a Warren or Ground inclosed to the value of 40 l. *per ann.* that shall keep Guns, Bows, to destroy Deer, Conies, &c. or shall keep Purse Nets, Ferrets or Cony Dogs, &c. 3 *fac.* 13. such may take and keep them which have 100 l. *per annum.*

May punish Officers being found faulty touching *Weights and Measures*, 11 H. 7. 4. upon Enquiry or Examination shall be fined.

May fine such as shall sell or buy with Weight and Measures not sealed, 11 H. 7. 4. upon Enquiry or Examination shall be fined as the Justice shall think fit.

May punish such as shall disturb Ministers licensed *Preachers* to preach, 1 M. Sess. 2. c. 3. upon proof of two Witnesses shall be imprisoned three Months, and so to the next Sessions.

May require Recusants Convict travelling above 5 miles *Recusants* from home, to abjure, if they conform not within three Months, or not having forty Marks *per annum*, or not worth forty pounds in Goods, 35 El. 2. Lamb. 338.

It is Felony for such to refuse Abjuration; such as abjure, their Abjuration must be certified to the next Sessions.

May (*Quorum unus*) require persons convict or indicted for absenting themselves from Church or not receiving the Sacrament twice in the year past; or Strangers passing through the Country, who upon Examination by Oath are found to be Recusants, &c. to take the Oath of Allegiance, 3 *fac.* 4. upon refusal shall be committed without Bail till he will take it, to the next Assizes or Sessions.

Any under the degree of a Baron, being above eighteen years old, may be required to take the Oath of Allegiance. Upon refusal shall be committed without Bail till he shall take it.

May search for Popish Books and Reliques in the House of such as are Popish Recusants Convict, or such whose Wife is a Recusant Convict, 3 *fac.* 5. §. 26.

Shall in open Market deface their Crucifixes and Reliques of Price, and restore them to the Owner; but other Reliques and Books shall be burnt, *ib.*

Married Women being Recusants Convict may be punished by two Justices *Quorum unus*, 7 *fac.* 6. shall if she conform not within three Months be committed till she doth, or the Husband pay 10 l. every Month or the third part of his Lands.

May take within six days after their Return the Submission of such as are reconciled to the Church of *Rome*, and give them the Oath of Allegiance and Supremacy, and certifie it into the next Quarter Sessions, 3 *Jac* 4. § 24. shall forfeit 40 *l.* if he certifie it not.

May examine Strangers suspected to know whether Priest or Jesuit or no, 35 *El.* 2. upon refusal to answer directly shall be committed till he doth.

May (*Quorum unus*) cause Captains in this Realm having the Charge of Soldiers, and such as have the charge of Castles, Forts, Garrisons, to take the Oath of Allegiance, 7 *Jac.* 6. shall upon refusal be committed till the next Assizes or Sessions.

Poor. May punish Overseers of the Poor if faulty, *Quorum unus*, 43 *El.* 2. upon proof of two Witnesses, shall upon default of not meeting every Month forfeit 20 *s.* if refuse to give an Account shall be committed.

May punish such persons as shall run away and leave their Family to be chargeable to the Parish, or such as shall threaten so to do, 7 *Jac.* 4. upon proof of two Witnesses. Upon refusal to give Security to discharge the Parish shall be sent to *Bridewel* and punished as incorrigible Rogues.

Bastards. May punish such as have a Bastard Child if likely to be chargeable to the Parish, 7 *Jac.* 4. § 7.

Shall be sent to *Bridewel* for one year, and be bound not to offend again in the like nature.

May, *Quorum unus*; provide for the maintenance of Bastards, and Ease of the Parish, and the Mother and reputed Father of such Bastards, 8 *El.* 3. If they perform not the Order without Appeal, and Bond given to abide the Order of the next Sessions (if they there shall make any) or else to obey the former Order) they are to be committed until; &c.

Poor. May, *Quorum unus*, licence Poor persons to go to the Bath, &c. 39 *El.* 4. shall be punished as Rogues if found without Licence:

May within one Month after *Easter* appoint Overseers for the Poor yearly, 43 *El.* 2. every Justice neglecting so to do, shall for his neglect forfeit 5 *l.*

May, *Quorum unus*, punish such as will not suffer Rogues to be punished, 39 *El.* 4. upon proof of two Witnesses or Confession, shall be bound to the Good Behaviour, and forfeit 5 *l.* to be levied by Distress and Sale.

May, *Quorum unus*, punish Officers negligent in the punishment of Rogues, 39 *El.* 4. upon proof of two Wit-

nesses

nesses or Confession, shall forfeit 10 s. to be levied by Distress, &c.

May (*Quorum unus*) punish such as shall suffer Rogues to go from their Doors and not apprehend them, 1 Jac. cap. 7. Upon proof of two Witnesses or confession, shall forfeit 10 s. &c. The Constable not punishing Rogues brought to him shall forfeit 20 s. *Ibid.*

May (*Quorum unus*) hear and determine all matters which shall come in question upon the Statute of Rogues, *Servants.* 39 Eliz. 4. Lamb. 331. Upon proof of two Witnesses or confession.

May (*Quorum unus*) punish Masters retaining such as are out of Service, and not having a Testimonial of their lawful Departure, 5 Eliz. 4. shall forfeit 5 l. to be recovered in Sessions.

And such as give not the Wages rated in *Easter Sessions*, Lamb. 330. The Covenant shall be void, and the Master imprisoned ten days without Bail.

May cause Labourers and Artificers not to depart from their Masters till their work be ended, if they will have them so long, and pay them their Wages, 5 Eliz. 4. Shall have an Action of Debt against such in the Sessions, be imprisoned one month, and forfeit 5 l.

May punish Masters who shall put away their Servants at the end of their Term not giving them a Quarters warning, 5 Eliz. 4. The matter upon complaint being heard and examined, shall in Sessions forfeit 40 s.

May likewise punish Servants departing from their Masters, not giving them a Quarters warning before two witnesses, 5 Eliz. 4. The matter upon complaint being heard and examined.

And if he shall not depart with the consent of a Justice of Peace, shall be committed till he will serve.

Such as have promised to serve, and afterwards shall refuse, 5 Eliz. 4. The matter upon complaint being heard and examined, shall be committed till bound to serve.

May punish Servants assaulting their Masters, or such as are their Overseers, 5 Eliz. 4. Upon proof of two Witnesses or confession, shall at the discretion of the Master suffer one years Imprisonment, or less if he think fit, except loss of Life and Member 5 Eliz. 4. §. 21.

May cause Women unmarried between the Age of twelve and forty, being not in Service to serve by the year, day or month, &c. and for such Wages as they shall appoint. Men likewise above twelve, and under sixty, shall be compelled to work at Husbandry. 5 Eliz. 4. Up-

on refusal be committed till he will serve, but if under twelve years she may not be compelled, nor bound by Covenant. Boys not being Apprentices (which they may at ten years, and with Fishermen and Gunners at seven years) may not be compelled to serve.

Alchouses.

May (*Quorum unus*) forbid those that are common sellers of Ale and Beer, and such as are prohibited, or sell without Licence, 5 E. 6. 25. shall be committed three days, and fined in the Sessions 20 s. The Discharge and Offence must be certified to the next Sessions, which is a Conviction, and must be fined upon the Certificate.

Plague.

Counties within five miles of Towns infected with the Plague shall be taxed for their weekly Relief, 1 Jac. 31. This Tax must be certified at the next Quarter Sessions.

May punish Officers not collecting Rates made for the Relief of persons infected, 1 Jac. 31. Shall for every Offence forfeit 10 s.

May appoint Watchmen. Searchers and Keepers of persons infected with the Plague, 1 Jac. 31. Shall administer them an Oath for performance of their Office; 'Tis Felony for any after restraint to go abroad, having any infectious Sore upon him not cured; if no Sore, shall be bound to the good Behaviour, and punished as a Vagabond. *Ibid.*

Tythes.

May punish persons refusing to obey the Sentence of Ecclesiastical Judges in case of Tythes, 27 H. 8. cap. 20. 32 H. 8. 7. Shall be committed till he shall obey such Order.

Robbery.

May assess Hundreds and Towns for levying of Moneys lost by Robbery, 27 Eliz. 13. Must be proportion'd by the Constables upon the Inhabitants, and levied by Distress.

Pressing.

May order what Fisher-men shall be pressed for Mariners, 5 Eliz. 5. §. 43.

Riots.

May punish Rioters, 13 H. 4. 7. 2 H. 5. 8. 8 H. 6. 14. 19 H. 7. 13. By Indictment, shall be fined and imprison'd.

Bail.

May bail persons committed for Felony or Suspicion thereof, 1, 2 P. & M. 13. Shall be fined by the Justices of Gaol-Delivery.

May (*Quorum unus*) bail persons imprisoned upon Process from Session, made upon penal Statutes, nor forbidding Bail, *Lamb.* 348.

*Soldiers,
&c.*

May set on work Soldiers and Mariners coming from Sea, not having work in the place where they live, 35 Eliz. 17. Shall tax the whole County for their Relief until they have work.

May

May swear Under-Sheriffs, and give them the Oath of Supremacy, and the Oath for the true executing of their Office, 27 *Eliz.* 12. *Under-Sheriff, &c.*

Shall not impanel any Jury before sworn, on pain to forfeit 40 *l.*

They may administer the like Oath to every Deputy Clerk of the Sheriff, that hath Authority to return any Jury, and shall meddle in the Execution of any Process in any Court of Record, and are Bailiffs of Liberties. *Ibid.*

May burn Logwood found in any Mans custody, *Logwood.* 23 *El.* 9.

May bind to the Sessions such as get Money or other things by colour of false Tokens or Letters in other Mens Names, 33 *H.* 8. 1. Shall be set in the Pillory upon Conviction, or suffer any other corporal Punishment, Death excepted, *False Tokens.*

May convene Bailiffs and Head-Constables upon complaint of Churchwardens, having Estreats for the collecting of Fines for the Highways, and take account and compel them to pay all Arrearages to the Constables and Churchwardens, 2, 3 *P. & M.* 8. 5 *Eliz.* 13.

May punish Clothiers for Cloth, wanting either length or weight, contrary to 22 *Jac.* 18. *Cloaths.*

It shall be divided into three parts, one to the Overseers and Searchers, two to the Poor. *Ibid.*

May punish disorderly and idle Persons refusing to work, 43 *El.* 2. Shall be sent to the House of Correction.

May determine all Forfeitures on the Statute of Excise, and to mitigate the same, so it be not less than double the Duty, 12 *Car.* 2. 24. Upon proof of one Witness or confession shall forfeit, the Brewer 5 *l.* for not entring weekly, and 5 *l.* for not paying what is entred. To be levied by Distress, and for want thereof to be imprisoned. *Excise. Ibid.*

May administer the Oaths of Allegiance and Supremacy to such as shall have any place in the Post-Office, 12 *Car.* 2. 35. §. 13. *Post-Office.*

If an Incumbent shall not once in a month read Common Prayer, or excuse himself to the Ordinary, 13, 14 *Car.* 2. *Common Prayer.* cap. 4. upon proof of two Witnesses, or confession, shall for every Offence forfeit 5 *l.* to be levied by Distress. §. 7.

By-Laws for regulating Stuffs in *Normich* must be confirmed by them, 13, 14 *Car.* 2. cap. 5. *Normich.*

May swear Constables, in default of a Leet, and till the next Quarter Sessions. 13, 14 *Car.* 2. cap. 12. §. 15. *Constables.*

May remove a person like to be chargeable to a Parish, unless he give Security, 14 *Car.* 2. cap. 12. within 40 days after *Poor.*

after such party comes to settle in a House under the yearly value of 10*l*.

Excise. May punish such as shall bribe any Gager, &c. 15 *Car. 2. cap. 11*. Upon proof of two Witnesses, the Gager shall forfeit 10*l*. to be levied by Distress; the same Penalty for the Briber.

Oaths. May administer the Oaths of Allegiance and Supremacy to Foreigners who shall use any Trade about Hemp and Flax, or Tapestry Hangings, 15 *Car. 2. cap. 15*.

Three Justices.

Apprentice. May make Certificate for Apprentices that their Parent may dispend 40 *s. per annum*, 5 *Eliz. 4*.

Sacrament. May take the Information against such as shall deprave the Sacrament of the Lords Supper, 1 *Ed. 6. 1. 1 Eliz. 1. §. 14*. Upon proof of two Witnesses, the Accusers shall be bound over to the next Sessions, and at the Sessions may grant a Writ to the Sheriff.

Drovers. May grant Licence to Badgers and Drovers, and such as transport Corn and Cattle from one Port to another.

But this must be done in the Quarter Sessions, 5 *El. 12*.

Bail. May bail such as shall speak unreverently of the Sacrament of the Lords Supper, 1 *Ed. 6. 1*.

Petitions. May consent to a Petition of above twenty persons to his Majesty, or the Parliament, for the alteration of any thing both in Church or State, 13 *Car. 2. cap. 5*.

Night Riots. May punish persons who in the Night season shall wound Cattle, destroy Trees, or throwing down Inclosures, 22, 23 *Car. 2. cap. 7*. Upon proof of Witnesses, or Jury, treble Damages.

Prisoners. By the consent (*Quorum unus*) the Sheriff, Gaoler, &c. may remove sick Prisoners to other Prisons, &c. 19 *Car. 2. cap. 4*.

Four Justices.

Recusants. May assist the Bishop, Lieutenant or Deputy in licensing of confined Recusants to travel about their Employs, 3 *Jac. 5. §. 7*.

Bridges. May make Taxes for the repair of Bridges, 22 *H. 8. 5*.

Recusants. May cause Popish Recusants convict to be disarmed, 3 *Jac. 5*. The Order must be made in the Quarter Sessions.

Six Justices.

Six Justices of the Peace (*Quorum duo*) may for one *Sewers.* whole year after the Expiration of any Commission of Sewers execute the Laws of the Commission of Sewers, unless a new Commission of Sewers be published within the year, 13 *Eliz.* 9.

Six Justices of Peace in *York*, with the Mayor, Recorder, and the Ordinary, may unite Parish Churches in that City, 1 *Ed. 6. cap.* 9.

Where a Mayor or other Magistrate is empowered by the Statute to act as a Justice of Peace.

THE next Magistrate may commit till the next Sessions such as shall abuse a Custom Officer, 14 *Car. 2. cap.* 11. §. 6.

Mayor, &c. may convict unlicensed Alehouse-keepers, *Alehouse.* and levy the Penalties, 3 *Car. 1. cap.* 3.

Chief Magistrate of the Port, &c. may on Complaint *Customs.* grant a Warrant to search for uncustomed Goods, 12 *Car. 2. cap.* 19.

Mayor, &c. may put in Execution the Statute 3 *Car. 1. Sunday.* *cap.* 1.

The Mayor, &c. may punish Offenders for prophane *Swearing.* Swearing or Cursing, 21 *Jac.* 20.

Mayor, &c. may execute the Statute against riding *Armour.* armed, 2 *Ed.* 3. 3.

Mayor, &c. may seize and burn Logwood or Block-*Dying.* wood, 23 *Eliz.* 9.

Mayor, &c. may assess the Prizes of Ale and Beer, *Beer.* 23 *H. 8.* 4.

Mayor, &c. may commit such as they find playing at *Games.* unlawful Games, 33 *H. 8. 9.* §. 14.

Mayor, &c. may punish Offenders touching false *Weights.* Weights, 11 *H. 7.* 4.

Mayor, &c. may hear and determine Matters concern- *Servants.* ing Servants and Apprentices, 5 *Eliz.* 4. §. 39.

Mayor, &c. may enquire of Offences against the 1 *El. 2. Common* §. 22. *Prayer.*

Mayor, &c. may tax for Relief of Persons visited with *Plague.* the Plague, 1 *Jac.* 31. §. 2.

Mayor,

Wood.

Mayor, &c. may inspect and assess the Assize of Tale Wood, Billet and Faggot, 43 *Eliz.* 14. §. 2.

Orchards.

Mayor, &c. may punish Offenders against the 43 *El.* 7 for robbing Orchards.

Arrow-Heads.

Mayor, &c. may enquire of Offences touching Arrow-Heads, 7 *H.* 4. 7.

Artificers.

Mayor, &c. may enquire of Offences of Artificers and Victuallers. 2 *Ed.* 6. 15. §. 3.

Vessels.

Mayor, &c. may assess the Prizes of Beer Vessels, 8 *Eliz.* 9.

Vessels.

Mayor, &c. may appoint Searchers and Gaugers of all Vessels for Salmon, Herring and Eels, 11 *H.* 7. 23. 22 *Ed.* 4. 2.

Soldiers.

Mayor, &c. of the Port, &c. may arrest Soldiers departing without Licence, 18 *H.* 6. 19.

Leather.

Mayor, &c. may hear and determine matters touching Leather, and examine, &c. 1 *Jac.* 22. §. 50.

How Justices of the Peace may defend themselves against Suits.

IF any Action, Bill, Complaint or Suit upon the Case, Trespass, Battery or false Imprisonment, shall be brought any where against a Justice of Peace, &c. for any thing done *Virtute Officii*, it shall be lawful for them, or any other that act in their Aid, Assistance or Commandment to plead the General Issue, and to give the special Matter in Evidence. If the Verdict pass for the Defendant, or the Plaintiff be Nonsuit or Discontinue, the Judge shall allow double Costs, 7 *Jac.* 5.

Which Statute was to continue but for seven years, but it is made perpetual by 21 *Jac.* 12. and it is thereby enacted, That all Actions upon the Statute shall be laid in the proper County where the Fact was done; and if upon the Tryal the Plaintiff shall not prove the Fact done in that County where the Action is laid, the Jury shall find the Defendant not Guilty; and in case of such Verdict, Nonsuit or Discontinuance, the Defendant shall have his double Costs.

A Constable may make a Deputy who may plead the General Issue and thereby take benefit of 7 *Jac.* 5. as was resolved, *M. 13 Jac. B. R. Philips contra Winchcomb, Moors Rep.* 145. *Bull's part* 3. p. 77.

Thus

Thus far of Generals: The following Heads relate to such particular Laws and Matters as concern the Cognizance and Jurisdiction of Justices of the Peace under Alphabetical Divisions.

Of Accessories.

IN High Treason there be no Accessories; for the Advisers, Counsellors, Perswaders and Assistants, as also the Receivers knowing thereof, be all Principals, 3 H. 7. c. 10. *Stamf. 40. Bro. Treason 19.*

Note, That the Act which makes a Man Accessory in Felony, the same makes him a Principal in High Treason, *Stamf. 40.*

In the highest and lowest Offences there be no Accessories, but all are Principals, as in High Treason; & in the lowest, as Riots, Routs, Forceable Entries, and other Trespasses, *vi & armis.*

It seems in case of *Premunire* there be no Accessories, for if the Principal appeal not, or happen to be dead yet the other shall answer, *Bro. Treason 19.*

In Petty Treason there may be Principals and Accessories as there be in Felonies.

There are two sorts of Accessories in Felony, the one before the Felony committed, the other after.

If a Procurer, Mover or Consenter, &c. be present at the time of the Felony committed, tho' he do nothing, he is Principal, *Plowd. 100. Bro. Coron. 188, 228, and Indictment 5.*

If one being present at the killing or robbing of a Man, doth nothing, yet would have assisted his Companion if there had been need, he is a Principal, *Fitz. Coron. 309. Stamf. 40.*

If one be present where Felony is committed, and doth not come in Company with the Felons, or be of their Confederacy, though he conceals it, 'tis no Felony in him, but only a Misdemeanor and fineable, *Fitz. Coron 325. Stamf. 37, 40. Cromp. 44. 4 H. 7. 31.*

If *A.* knowing drink to be Poison, and perswade *B.* to drink it, and afterwards *B.* in the absence of *A.* doth drink it and die thereof; *A.* is a Principal, though the Poison be drank in his absence, 4 Co. 44.

If any Offence be made Felony by Statute it may have Accessories both before and after the Fact committed, though the Accessories be not mentioned in the Statute, *Lamb* 279, 280 *Fitz Coron.* 228. Co. 3. *Inst.* 72. *sed quer. Hales*, P. C. 223.

If *A.* command *B.* to lay hold upon *C.* and *B.* goes and robs *C.* this is no Felony in *A.* (if he be absent at the time of the Robbery done) for this command might have been performed without any Robbery; but if the command had been to beat *C.* and *B.* kills him, *A.* is Accessory.

If a command be given to rob *J. S.* and the party commanded attempting to rob him, kill him, he that commanded the Robbery is Accessory to the Murder.

If *A.* counsel *B.* to kill *C.* by Poison, and he kills him with his Sword, &c. or to kill *C.* by the Highway, and he kills him in his House, or to kill him one day, and he kills him another, in all these Cases *A.* shall be Accessory to the Murder, *Ibid.*

If *A.* commands *B.* to kill *J. S.* and afterwards countermand it, yet *B.* kills *J. S.* in this Case *A.* shall not be judged Accessory, *Ibid.*

If *S.* counselleth a Woman to murder the Child in her body (when it shall be born) and after when born the Midwife, or other person in presence of the Mother, and by her command killeth the Child, *J. S.* is Accessory though done in his absence, *Dyer* 186.

Note, That in Manslaughter there can be no Accessory before the Fact, for Manslaughter is always upon a sudden Affray; Accessories to Petty Treason, wilful Murder or Robbery, or to the felonious burning of a Dwelling-House or Barn with Corn, or Horse-stealing, shall not have the Benefit of Clergy, 4, 5 *Ph. & M. cap.* 4. *Dyer* 183, 186. 11 Co. 35. 2 Ed 6. *chap.* 33. 31 *Eliz. cap.* 12 § 5.

Accessories
after Fe-
lony.

Accessories after the Offence are they who knowing that another hath committed a Felony do feloniously or voluntarily receive, harbour or relieve him, &c. whether it be before Attainder or after, *Bro. Indictment* 4.

To lend a Felon an Horse, to go his way, or otherwise to make his Escape, makes the Lender an Accessory, *Fitz. Coron.* 427. But to relieve a Felon in Prison, or to aid him by good words, or sue for his deliverance, or send a Letter for his Enlargement, this maketh not a Man Accessory to the Felony, *Bro Coron* 103 no more it doth to relieve, &c. a person going under Bail and bound to appear for his Trial, *Lamb.* 286.

To receive a Felon after he hath obtained his pardon, doth not make Receiver an Accessory, *Plowd.* 47. b.

A Felon is attainted either by Verdict, Confession or Outlawry.

The receiving, &c. of such an one by any dwelling in the same County makes him Accessory, though he know nothing of the Felony, for the Attainder being matter of Record, every person within that County is bound to take notice of it, *Fitz. Coron.* 377. *Stamf.* 960. *Dyer* 355. But if a Felon so attainted be received, &c. in another County, this maketh such Receiver no Accessory to the Felony unless he did also know of the Felony, *Fitz. Coron.* 375. *Stamf.* 41.

Such persons as shall buy or receive stolen Goods or Chattels, knowing the same to be stolen, shall be deemed as Accessory or Accessories to such Felony after the Fact, and shall incur the same Punishment as Accessories to the Felony after the Felony committed, 3 & 4 *Gul. & Mar. cap.* 9.

A Feme Covert cannot be Accessory to her own Husband, but to another she may, *Fitz. Coron.* 383. *Stamf.* 26, and 43.

A Servant may be Accessory either to his Master or Mistress both before and after the Fact, *Stamf.* 27.

If a Master be a Felon, and his Servant (knowing thereof) continue in his Service, he becomes his Accessory. So if a Servant be a Felon and his Master (knowing it) continue him in his Service, he is Accessory to the Felony, *Leff. M. Cook.*

If a Man be the Cause of the Escape of a Felon, tho' he be his own Brother, he thereby becomes Accessory, *Stamf.* 42. But if one whom I know to be a Felon, escape out of my House without my furtherance, I am no Accessory, *Bro. Esc.* 43.

He that rescues a Person arrested for Felony is a principal Felon, *Hales P. C.* 116.

The buying or receiving of stolen Goods (knowing the same) doth not make a Man accessory, unless he likewise receive or aid the Felon, *Relv.* p. 4.

But if a Man buy stolen Goods for 5 s. that is worth 20 s. this makes him an Accessory; for this makes it appear that the Seller came not truly by them, and I ought to apprehend him.

If I pursue a Felon and take my Goods from him, suffering him to escape, yet I am not an Accessory, *Stamf.* 28.

But if I take my Goods to favour the Felon, this was anciently Theft-bote. *Stamf.* 40.

If the Party robbed take Money, &c. of the Thief to favour him, &c. he becomes Accessory to the Felony of his own Goods. Or as some are of Opinion is guilty of Theft-bote, which is punishable by Ransom and Imprisonment, *Lamb.* 286. *Crompt.* 41. *Bro. Cor.* 112.

If upon Huy and Cry any person arrest the Thief and take the Goods from him, letting him go, he is an Accessory, 27 *Aff.* 62.

In case of an Accessory after the Fact, it is requisite that it be Felony at the time he becomes accessory to it, For if A. wound B. mortally, and C. knowing thereof receive &c. A. and then let him go before B. dies, he is no Accessory, *Stamf.* 287.

At Common Law no Man could be Accessory, &c. to a Felony in another County, but this altered by Stat. 2 *Ed.* 6. *cap.* 24.

Where an Offence is made Felony by Statute, although the same do not mention Procurers, Counsellors, Abettors, &c. yet such shall be accounted Accessory within the same, *Stamf.* 44.

A Man may be Accessory to an Accessory, if he receive him, &c. knowing thereof, *Bro. Cor.* 104.

The Principal ought first to be attainted, because if he be acquitted he can have no Accessory, *Hales, P. C.* 221.

If a Man upon malice perceive a mad Man to kill another, though such person can have no Malice, yet the Inciter shall be principal, and the Crime go not unpunish'd.

If the Principal be attainted erroneously, the Accessory notwithstanding shall be put to answer, 9 *Co.* 68. b. and 119.

If the Principal die, be found not guilty, or that he slew the other in his own defence, have his Clergy, or get his Pardon, the Accessory shall be discharged, *Hales, P. C.* 221.

Where it is found that the Principal killed another *Se defendendo*, or by misadventure, the Accessory shall be discharged, *Bro. Cor.* 13.

No Accessories in Forgery, which is made Felony, but all are Principals, *Moor* 666.

If the Principal be burnt in the Hand, the Accessory must be discharged; for the Accessory ought not to be condemn'd but where the Principal is attainted, *Cro. Car.* 567.

A man may be Accessory to the stealing of his own Goods, as if he confederate with another to steal Goods from

from his Bailiff, to the intent to charge his Bailiff, this is Felony, *Gouldb.* 186.

Three indicted upon the Statute of Stabbing, and found guilty, and he that did it executed, the other two adjudged Accessories, *Stil.* 86.

If twenty Men go in aid of the Sheriff, or any other lawful Act, if one of them kill another, the rest are not Accessories; otherwise if the twenty go about an unlawful Act, *Keilw.* 161.

Adulterer counsels the Woman to murder the Infant when born, he is Accessory, 7 Co. 9.

They that receive the Misdoers upon the Statute of 3 H. 7. cap. 12. of stealing of Women, are Principals; and by that Act the Accessory before and after are Principals. 12 Co. 21; 99.

By *Harris*, If a man be robbed, and agree with the Felon, that he will not give evidence against him, by which he escapes, he is Accessory to the Felony: Some are against this Opinion. But if after the Robbery he pursues the Felon and takes his Goods, and suffer the Felon to go, he is not Accessory, but its a Concealment, *Moor* 8.

Principal being Convict of Felony, or standing mute, or Challenging above 20, it may be lawful to proceed against the Accessory, before, or after the Fact, in like manner as if the Principal had been attainted; and notwithstanding he be admitted to the Benefit of his Clergy, or Pardoned, &c. And persons buying or receiving stolen Goods, knowing the same to be stolen, shall be punished as for a Misdemeanour, by Fine and Imprisonment, though the Principal Felon hath not been before Convicted, which shall exempt the Offender from being punish'd as Accessory if the Principal be afterward convicted, 1 *Annæ Sess.* 2. cap. 9.

Admeasurement of Keels, &c.

UPON the Act of 6 & 7 W. 3. cap. 10. For the better Admeasurement of Keels and Keel-boats in the Port of Newcastle, and the Members thereunto belonging, It is enacted, That in case after the admeasuring, marking and nailing of any Keel, Boat, Wain or Cart, the mark shall be removed or altered whereby to frustrate the intent of the Act, every person and persons that shall have a hand in it, or be privy to the doing thereof, and shall upon proof thereof by one or more credible Witnesses before any one or more

Justice or Justices of the Peace of the Counties where the said Offence shall happen to be committed, and convicted thereof, shall forfeit 10 *l.* to be levied upon his or their Goods or Chattels by Distress and Sale, by Warrant under Hand and Seal of the said Justice or Justices (rendering the Overplus) to the Party distrained. And for want of sufficient Distress the Parties so offending shall by like Warrant be committed to the Common Goal of the said County for three months without Bail or Mainprize. One half part of the Forfeiture to his Majesty, &c. and the other to such person or persons as shall make such discovery.

As often as any such Offence is committed the Commissioners may mark and nail the said Keels, Boats, Wains and Carts anew.

Of Affrays.

Dalt. 35. **A**ffray is derived from the *French* word *Affrayer*, signifying to affright or put in fear, and is no more
3 Inst. 158. in Law than a quarrelling or fighting together, and is intended to be a common Wrong; and therefore every private person ought to part the Affray, but not imprison them; yet he may stay any person coming in harness to join with either party; also any person may stay the Affrayer till their heat be over, and deliver them to the Constable, to find Sureties of the Peace, or be imprisoned; but it seems he cannot do this unless the Affray be in his own presence. If any one be dangerously hurt in an Affray or otherwise, he may arrest the Offender, and carry him to the Goal, or before a Justice of the Peace, who may either commit him, or bind him over until it
3 Inst. 158. appear what will become of the party hurt. The Constable being present may bid the parties avoid upon pain of Imprisonment, and endeavour to part them, else he is fineable at the Sessions; but if absent, though he be made acquainted with it, he is not fineable at the Sessions for his neglect. *Quare*, See the Oath of Constables. If Affrayors will not depart, but draw Weapons, or strike, the Constable may command Assistance, and in doing his Office may justify the hurting of them, and may in the Queen's Name make Proclamation to keep the Peace.

If Weapons be drawn, or stroke given or offered, it is an Affray, *Hales, P. C.* 135.

It is properly no Affray unless there be a Weapon drawn, or Blow given, or attempt made to that purpose. Words are no Affray, and yet the Constable may on Threats to kill, or hurt, carry the Party before a Justice to find Surety. *Dalt. 36. Cha. 7.*

If an Affray be in an House shut, the Constable may break it open to keep the Peace, and upon fresh pursuit may break open any Room whereto the Affrayers are fled; so if they fly into any other County they may be pursued thither, (but no otherwise, but as private persons) and carried to a Justice of the County. If they fly into a Franchise in fresh pursuit, they may be taken thence. After the Affray the Constable without Warrant cannot arrest, except some persons be in peril of Death, but the Justice may. *Dalt. 36.*

A Justice may bind to the Peace such as in his presence strike, threaten or contend in hot Words. *Dalt. 36.*

If a Person bedangerously hurt in any Affray, any Justice may commit the Offender within the year and day, to remain in Prison till the year and day be expired, or the Offender find Sureties to appear at the next Gaol-delivery. *Dalt. 37. Hal. Pl. C. 136.*

If an Assault be made upon a Justice or Constable, they may defend themselves, and apprehend the Offenders, and make them find Sureties for the Peace; the Justice may apprehend them and send them to another Justice to be sent to the Gaol: The Constable may commit to the Stocks, and after carry to the Justice. *Hal. Pl. C. 136. Dalt. 37. Cha. 8.*

If any one by Word, Writing or Message challenge another to fight with him, this is an Offence punishable by Law, 3 *Inst. 158.*

If two be fighting, and there are more looking on, who do not their endeavour to part them, if one be killed, the lookers on may be indicted and fined to the King *Noy's Rep. 50.*

If a Man in fury be purposed to beat another, the Constable seeing it, may arrest him and carry him before a Justice of Peace, *Poph. 13.*

Of Alehouses.

FOR the use of Alehouses, see the Staute 1 Jac. c. 9. and for the Reformation of them in Number, &c. See 5 & 6 Ed. 6. c. 25. These Statutes not working their designed ends, later Statutes have provided that no Townsman, Handy-craftsman or Labourer, otherwise than is there limited, shall continue drinking in a Tavern (which is likewise a Victualling-house) or in any Alehouse, Inn or Victualling-house under the penalty of the Forfeiture of 10 s. by such Tavern, &c. to the use of the poor, upon proof of one Witness, or Confession of the Offender before a Justice of the Peace or Major, &c. or upon his View, 1 Jac. c. 9. 21 Jac. c. 7. 1 Car. 1. c. 4.

One was indicted for selling Ale in black Pots, being not sealed Measure 1 Syd. 409.

An Indictment for selling Ale without Licence must conclude *Contra formam Statuti*, 1 Saund. 249.

Where an Inn doth use the Trade of an Alehouse its within the Statute of Alehouses, 1 Bulst. 109.

Husband must be joined with the Wife in an Indictment for the Wife's selling Ale without Licence, because he must pay the Fine, Hill. 20 & 21 Car. 2.

One cannot be indicted for selling Ale without Licence, but must be convened by the Justice of Peace, if he pleases, *Rolls Rep.* 398. But see the Books above è *contra*, Trin. 4 W. & M. the King and Queen against *Marriot*.

An Indictment against a Brewer for selling Ale to one that retailed the same not being licensed, Trin. 29 Car. 2. B. R.

Any one may erect an Inn for Lodging for Travellers without any Allowance or Licence, *Hutton* 99.

Note, That the Offender's voluntary Confession shall convict himself, and his Oath his Companions, 21 Jac. c. 7. If less than one full Ale-quart of the best Ale and Beer, or of the small two quarts be sold for one penny, every such keeper of a Tavern, &c. upon proof thereof before a Justice, &c. by one Witness, &c. shall forfeit 20 s. for every Offence, 1 Jac. c. 9. if Information hereof be made upon Oath, the Offender must be convened before Convicted.

But now since the Statute of 12 Car. 2. c. 23. *Seff* 21. It seems that Brewers and Retailers may raise their Prices in respect to the proportion of the Excise paid, and no more.

more. The Words of the Statute are, *No Brewer or Retailers of Beer and Ale, shall take any more in the Price thereof, upon Sale of the same, than according to the usual Rates and Prices, saving that every common Brewer shall and may take and receive of all and every persons to whom he shall sell, and deliver any Ale or Beer, the Excise thereupon due, over and above the usual Rates and Prices.*

Every Inhabitant continuing drinking in an Alehouse contrary to *primo fac.* forfeits 3 s. 4 d. by Conviction of the Justice, or proof, 4 *fac. cap. 5. 21 fac. cap. 7.*

The like penalty for Persons not inhabiting, and the like proof, 1 *Car. cap. 4. 21 fac. cap. 7.*

These Statutes do prohibit all quaffing and tipling, such Houses being solely appointed for the accomodation of Travellers, and for Relief of the Poor. Every Taverner, &c. which shall suffer any person whatever to tipple in his House contrary to the said Statute, shall be adjudged within the Statute, 1 *fac. cap. 9. 1 Car. cap. 4.*

Any Justice or Head-Officer respectively have power on View, Confession or Proof by one Witness, to convict any person of Drunkenness, and fine him 5 s. to be paid to the Churchwardens; or if unable, committed to the Stocks for six hours, 4 *fac. cap. 5. 21 fac. cap. 7.*

For the second Offence shall be bound in ten pounds with two Sureties to the Good Behaviour, for want of Sureties to be sent to the Gaol, 4 *fac. c. 7. §. 6.*

Drunkard may be punished in Ecclesiastical Court, or by Justice of Peace, *Godb. 514. 4 fac. c. 7. §. 8.*

And for cause of Drunkenness a Magistrate may be removed, 1 *Roll. Rep. 409.* by two Judges.

Constables, Churchwardens, Headboroughs, Tythingmen, Ale-coners, Sidemen shall in their Oaths to the Office be charged to present Offences against 1 *fac. cap. 9. 4 fac. cap. 5. 21 fac. cap. 7.*

None shall be impeached on this Statute unless presented within six Months after the Offence committed, and shall be but once punished, 4 *fac. cap. 5.*

The Forfeitures hereby shall go to the Poor. See the Stat. *supra.*

Every person found tipling in an Alehouse, &c. contrary to the Statute, and convened accordingly for insufficiency to pay the Forfeiture of 3 s. 4 d. shall be set in the Stocks for four hours for every Offence, by the Warrant of one Justice of the Peace, 4 *fac. r. 5. §. 4.*

Officers neglecting to levy the Forfeitures of an Alehouse-keeper, &c. for their Measure, or tipling in their Houses, or for not certifying the default of Distress, shall each of them for every such neglect pay 40 s. to the use of the Poor, to be levied by Distress, by Warrant of one Justice; which if not replevied within six days, shall be sold; and for want of Distress is to be committed to Prison until he pay, 1 Jac. cap. 9. §. 4.

Officers neglecting to execute Warrants against the Offenders in Drunkenness shall forfeit 10 s. to be levied as abovesaid, 4 Jac. cap. 5. §. 3.

Common Innholders or Alehouse-keepers refusing to lodge a Traveller may be compelled thereunto by a Justice or Constable, but he is not compellable hereunto unless the Traveller shall first pay him for such Viſtuals or Lodging, and if the Money be tendred, remedy against the Inn-keepers is either by Indictment, or Action upon the Case, Dalt. cap. 7. p. 28. Hales P. C. 146. Dyer 158. Co. R. 9. 87. b.

None can keep an Alehouse without Licence of two Justices of the Peace at least, whereof one of them being of the *Quorum*, and they must take Recognizance against unlawful Games, and for keeping of good Order; therefore if two Justices allow more than are needful, or such as are suppressed, they must be punished for so doing; such Recognizance is but twelve pence, which the Justices shall certify to the next Quarter-Sessions on pain of five Marks. Two such Justices may suppress any Alehouse whatsoever at their discretion, 5 & 6 Ed. 6. cap. 25.

The Justices of the Peace have power in Sessions to hear and determine the breach of such Recognizances; and Alehouses, thus discharged shall not be allowed again but in open Sessions, *Per Warburton*.

Two Justices, one being of the *Quorum*, may commit for three days without Bail, such as sell Ale or Beer without Allowance, and before deliverance they shall give Recognizance with two Sureties not to keep an Alehouse, which being certified to the next Quarter Sessions shall be a Conviction without farther Tryal, and thereupon a Fine of 20 s. shall be assessed, 5 & 6 Ed. 6. cap. 25 §. 4, 5.

There is no Licence requisite for any that sell Beer or Ale in any place where Fairs are kept, 5 & 6 Ed. 6. cap. 25. §. 6, 3 Car. 3.

Every person keeping an Alehouse not licensed shall forfeit 20 s. to the Poor of the Parish, the same being viewed by any one Justice, Mayor, &c. or proved by two Witnesses, 3 *Car. cap. 3.* Such Justices or Officers may make Warrant to the Constable, &c. to levy the said 20 s. by Distress, which after three days shall be appraised and sold, *ibid.* If no sufficient Distress be, two Justices, &c. may commit the Offender to the Constable to be whipped, and the said Justices may commit the Constable without Bail for his neglect herein, until he punish the Offender, or pay 40 s. to the use of the Poor, *ibid.*

2. Unlicensed Alehouse-keepers for their second Offence shall be committed to the House of Correction, during one Month, *ibid.*

3. And for every Offence after to the House of Correction until he be delivered by the Quarter Sessions, *Ibid.* But he shall not be twice punished for the same Offence.

Brewers delivering Ale, &c. to any unlicensed Alehouse keeper shall forfeit 6 s. 8 d. 4 *Jac. cap. 4.*

The same Law is for an Alehouse unlicensed which shall break the Assize or keep ill Orders. as for Persons licensed, as also for Persons tipling in such an House as in the other.

Two Justices may license Labourers to remain in an Inn, 1 *Jac. cap. 9.*

Innkeepers may be dealt withal as Alehouse-keepers, either with or without Licence, or may be indicted at the Sessions, *Dalt. cap. 7.*

An Innholder letting his Beer to his Tapster for 14 s. per Barrel, he himself paying but 8 s. is indictable.

Inns erected since 5 *Ed. 6. cap. 25.* ought to be licensed; but Innkeepers must enter into Recognizances as Alehouse-keepers ought to do; but it seems of ancient Inns before that time it was otherwise.

It was the Opinion of Sir James Ley at Lent Assizes, *Dalt. c. 7.* 1621. That Inns were Hostelries at the Common Law, and that every Man of good Fame, and honest Conversation might erect and keep them, provided they be in convenient places; and also if such Inns, or Hostelries be used *ad nocumentum populi Dom. Regis, &c.* do keep disorderly Houses, or that they be more in number than is needful, or to the hindrance of more ancient Inns, they may be indicted at the Assizes or Sessions, and there fined and suppressed; and this he said was the Opinion of all the Judges The same Law seems to be for Taverners, and Alehouses

Alehouses where they are too numerous, and this was complained of by King *James* in the *Star-chamber*.

Dalt. c. 7.

The keeping of an Alehouse, Tavern, &c. by any Sergeant, Bayliff or other Minister is mischievous and to be suppressed; and this is usually practised in the *Queen's Bench*, vide the Statute of 22 & 23 *Car. 2. cap. 20.* against carrying persons arrested into Alehouses or Taverns to their Charge.

Alehouse-keeper convict of offending against any branch of the Statute of 1 *Jac. 9. 4 Jac. 5. or 21 Jac. 7.* shall for the space of three Years next ensuing be utterly disabled to keep any Alehouse, by 21 *Jac. c. 7. §. 4.* and if he be licensed by two or more Justices of the Peace within three Years, such Licence is void, *Dalt. cap. 7.*

By the Statute of 7 & 8 *W. 3. cap. 19.* no Person keeping an Inn, Tavern, Alehouse, or Victualling-house, shall publickly use, or expose to be used any manufactured Plate whatsoever (except Spoons) under the penalty of forfeiting the same, or the value thereof, with full Costs of Suit, to him that shall Sue for the same, in any Court of Record at *Westminster*.

By the Statute of 11 & 12 *W. 3. cap. 15.* all Innkeepers, Alehouse-keepers, and other Retailers of Ale and Beer, shall utter and sell the same, in, and from their respective Houses, by a full Ale-quart, or Ale-pint, according to the Standard remaining in the *Exchequer*, in a Vessel stampd or marked, and not utter the same in any Vessel not signed as aforesaid, under pain of a Sum not exceeding 40 s. nor under 10 s. for every Offence.

All penalties by this Act shall be half to the Prosecutor, and half to the Poor of the Parish, to be recovered by the Oath of one credible Witness, before one Justice of Peace, and to be levied by Warrant of Distress.

Nothing in this Act to extend to the Colleges or Halls in either University.

Apprentices vide Labourers.

Of Armour.

Persons with offensive Weapons in Fairs, Markets or elsewhere in Affray of the King's People, may be arrested by the Sheriff, or other the King's Officers, and every Justice upon View or Complaint thereof may cause them to be stayed and bound to the Peace or Good Behaviour, or else seise their Armour, which every Constable

stable may do, and cause them to be appraised and answered to the King; so of those that carry Guns charged, 2 *Ed. 3. cap. 3.* 7 *R. 2. cap. 13.* 20 *R. 2. cap. 1.* And yet the King's Servant, in his presence; Sheriffs, and other Officers in executing their Offices, and all other persons in pursuing Hue and Cry may lawfully bear Arms.

Every Subject may arm himself to suppress Riots, Routs, Rebellions, or resist Enemies; but 'tis safer to assist the Justices or other the Queen's Ministers in doing it, *Poph. 121.*

It is High Treason in such as agreed to arm themselves, and go from House to House to get Assistance to pull down Inclosures, &c. But if such Persons have an Interest, it amounts but to an high Misdemeanor, *ibidem 122.*

A Man for going secretly armed under his Apparel in *Westminster-Hall* was committed to Ward by the Justices, and was denied Bail or Mainprise, and forfeited his Armour, *Co. Bail and Mainp. fo. 23.*

Justice of Peace may arm himself, or any other person to suppress Riots, Rebellion, or resist Enemies. *Poph. 121.*

Justices of Peace and other Officers are indemnified for seizing of Horses, Arms, &c. 4 & 5 *W. & M. cap. 19.*

Any Justice of Peace may command Weapons to be taken from such Prisoners as are brought before them.

Any Justice of Peace may imprison all Servants in Husbandry, Artificers, Victuallers or Labourers which shall wear any Sword or Dagger, Buckler, (except they be travelling with their Masters, or being upon their Message) until they find Sureties of the Peace, and take away their Weapons, as forfeited, and present them at the next Sessions, 12 *R. 2. cap. 6* repealed by 21 *Jac. cap. 28* And yet the Justice of Peace may do it by the first *Assignamus* in his Commission, especially if he suspect any Breach of the Peace to be intended.

Of Arrest and Imprisonment.

ARrest and Imprisonment are much the same, and signifie no more than the restraining of a Subject of his Liberty against his Will. If a Constable, &c. have the Warrant from a Justice to bring any person before him, he ought first to require the Party to go before the Justice,

Of Arrest and Imprisonment. Part I.

Justice, and if he refuse, Arrest him; for such requiring is no Arrest or Imprisonment, *Dalt. cap. 129.*

If a Bailiff, &c. say to a Man, *I arrest you*, this is a good Arrest, and if the Party go away it is a Rescue, 8 *Car. B.R.* Sir *James Wink's Case*; but after this he must arrest him if he may, for the Words of the Writ are *Capias, Attachias, &c.* which implies as much.

All sorts of persons may be arrested under the degree of a Peer of the Realm, and that by Warrant of the Justice of Peace, *Dalt. cap. 129.*

A Feme Covert may be committed for a Force or Riot, by a Justices Warrant, otherwise of Infants in such Case, yet for not finding Sureties for the Peace being demanded may be committed, *Dalt. cap. 129.*

For breach of a Statute Law, an Infant shall not be imprisoned unless expressed in the *Stat. Plow. 264. a.*

This Liberty of every Subject is specially favoured by the Common Law, insomuch that if an Officer (whose Actions are favourably interpreted) shall unduly imprison any person by an usurped Jurisdiction, it is grievously punishable, *Magna Chart. cap. 29. 5 Ed. 3. cap. 9. and the Petition of Right, 3 Car. 1.*

None can be arrested but by Process upon an Indictment, upon an Original Writ at Common Law, or by Matter of Record, and the Process must be out of a Court of Record.

Therefore Commissions to arrest Men were held to be against Law, *Dalt. cap. 129.*

No Man can be committed to Prison, unless it be by a Judge of Record.

For Misdemeanours against the Queen's Peace as Treason, &c. an Offender may be arrested by any Person by a Warrant in Law, so that there be just cause or lawful suspicion.

A Man who knoweth of a Robbery may arrest a person by him suspected, and carry him to the Constable, if he be to be found, or else imprison him in the Stocks; or if there be none, carry him to the next Constable, or else to the next Justice to be examined, &c. *Dalt. ibid.*

If a Robbery, &c. be known to be committed, any one may arrest a Person of ill Fame, and if he resist may justify beating of him.

Where a Person suspected of an intended Felony may be therefore arrested, *Finch 127.*

Hue and Cry after *J. S.* or any other Person suspected of Felony is sufficient cause to arrest him though no Felony be committed, *Bre. False Impris. 22. Dalt. cap. 129.*

If

If a Felony is done, to be in Company of the Offenders is cause to arrest a Person ; so is the living idly and as Vagrant, *Bro. False Imprif. 22. Dalt. 129.*

If Hue and Cry be levied after a stoll Horse, &c. and J. S. be taken driving him, he may be imprisoned for it though a Man of good Fame. If a Man be dangerously hurt in an Affray, any Man may arrest the Offender. *Dalt. ibid.*

Park-keepers and their Servants may lawfully arrest such as hunt in their Parks, or cause them to depart, *Lib. Int. Tit. False Imprif. 12.*

If a person keep or use a Gun contrary to the Statute, any man may arrest him and bring him to a Justice.

Watchmen may arrest Night-walkers, and if they suspect them, justifie the detaining them till the morning, See the Statute of *Winchester, 13 E. 1. c. 4.*

Justice of Peace and Sheriffs, &c. ought not to commit or imprison any Person but in the County Gaol, *5 H. 4. 23 H. 8. cap. 2.* A Constable regularly ought to imprison in the Stocks.

A Constable by a Warrant from a Justice arrests a person which escapes into another County, he may arrest him there upon fresh pursuit, and bring him before the Justice, *Crompt. 122, 123. Dalt. c. 129.*

A person taken in Execution escapes into another County, yet the Sheriff, &c. upon fresh pursuit may take him there, and he shall be still in Execution, *Co. Rep. lib. 3. 52. b.*

The Constable carries a man arrested for Felony unto the Gaol, and the Gaoler refuseth him, he may be brought back to the Town where he was taken, and they shall be charged to keep him till the next Goal-delivery. Or the Constable may keep him in his own House, *Bro. False Imprif. 25.*

When a Statute appoints Imprisonment, but limits no time how long, &c. or when to be committed, the Party must be sent to Gaol presently, and continue there so long as the Court shall award, *3 Co. 119. Plowd. 17. Crompt. 171.*

No persons at Common Law could have Irons put upon them, but see now the Statute of *Westminster 2. cap. 11. quod Carceri mancipentur in ferris.* And *7 Jac. 4.* all Rogues, &c. sent to the House of Correction, may be punish'd by putting Fetters or Givies upon them.

If an Offender arrested by the Constable refuse to bear the Charge of conveying him to the Goal, the Justice may

may by his Warrant cause the Constable to levy the same upon the Prisoners Goods, if he hath sufficient; if not upon the Inhabitants of the Town where he was apprehended. 3 Jac. 10.

Assault.

IN Assault and Battery all are Principals and no Accessories, *Kelw. 55. b.*

An Assault made upon him that takes my Goods and will not them deliver, is justifiable, *Kelw. 92. Dalt. c. 84.*

Of Bailment and Mainprise.

BAilment, Mainprise or Replevin, is the saving, or the delivery of a person out of Prison before he hath satisfied the Law, *sc.* by finding Sureties, to answer and be justified by the Law, 22 H. 6. *Bro. Surety 8. and Mainprise 89.*

If Mainpernors doubt that their Prisoner will fly, they may bring him before a Justice, who shall commit him and discharge them: So it seems of a person bailed, *Dalt. c. 125.*

For want of taking sufficient Bail, the Justices are fineable: If it be tendred and refused, they shall be grievously amerced in case when it is grantable, 3 Ed. 1. c. 15. 23 H. 6. c. 10. On the other side where a person is not bailable, if he be let to Mainprise, it is a negligent Escape, and fineable as before, 25 Ed. 3. f. 39. and see *Stamf. 33, and 79.*

If any Sheriff, Constable, &c. shall bail any person in their Custody not bailable, and being convicted thereof, he loses his Fees and Office for ever; but if an Under-Sheriff, &c. shall do so without his Masters knowledge, he shall be imprisoned for three years, and fined at the King's pleasure, 3 Ed. 1. c. 15. *Doct. & Stud. 135.*

Notes, Officers which let to Bail contrary to 3 Ed. 1. cap. 15. shall be punished by the Justice of Gaol delivery either according to the Statute or at Common Law.

Justices and Coroners within London and Middlesex, and Towns Corporate, have power to Bail Felons, &c. as they have formerly accustomed, 1 & 2 Ph. & Mar. c. 13.

It is held by the Authority of 23 H. 6. f. 1. That if a *The Author- Sheriff, &c.* shall Bail a person not bailable, the Recognizance is void. *Recog- rity of Ju- stices Bail-*

No person arrested for Manslaughter, Felony or Suspi- ing cion thereof, shall be let to Bail by any Justice but in open Session, or by two of them at the least, *Quorum unus*, and both must be present at the time of Bailment, 1 & 2 Ph. & Mar. cap. 13.

The Justice which commits a Prisoner ought to shew in the *Mittimus* the Cause thereof, that it may appear whether Bailable or not.

Where one is Bailable by Law, Action lies against the Justice of Peace that committed him, *Stiles Rep.* 182.

A Felon examined and committed by two Justices may be Bailed by one alone, *Keble p.* 188. §. 33.

One found guilty of Manslaughter by the Coroners Inquest denied to be Bailed in the *Kings Bench*, 1 *Roll. Rep.* 268.

One *Herbert* was Bailed for Murther, *Latch. fo.* 12.

One Outlawed of Murther bailed, *Stiles* 93.

Two suspected of Murther bailed, *Stiles* 96.

One for suspicion of Treason bailed, 2 *Sid.* 179.

In the four Cases following a person is not Bailable at *What per- Common Law*; See *Westm. 1. cap. 15. Ero. Mainprise 47. sons baila- F. N. B. 66. E. ble at the*

1. A person taken for the death of a man, *sc.* Murderer, *Common or any other Homicide.* See now Stat. 1 & 2 Ph. & Mar. Law. cap. 13. which admits Bail for any Homicide except Mur- ther.

But the Justices cannot Bail a Manslayer if he confess the Offence to be taken in the manner, *Dalt. c.* 125.

2. No person taken by the King's Commandment, by his own Mouth, or by his Privy Council, is Bailable. *Stamf.* 72. *Bro. Mainpris* 37, 47.

3. Person taken by the Commandment of the King's Justices, and this must be meant of their absolute Com- mandment for Misdemeanors in their presence, *Stamf.* 73.

4. Trespassers in the Forest were not Bailable by the Common Law, but that was remedied by 1 *Ed. 3. cap.* 8. and 7 *R. 2. cap.* 4. And now by the Statute of 1 & 2 Ph. & Mar. cap. 13. it is provided, That no Justice of the Peace shall let to Bail contrary to the Statute of *Westm. 1. cap. 15.* by which Statute these persons following are not Bailable.

1. One that hath abjured the Realm. 2. An Approver. 3. One appealed by the Approvers, so long as the Approver lives, unless he be of good Fame, or that the Approver wave his Appeal or be vanquished, *Stamf. 74. 25 Ed. 3. f. 42.* 4. He that is taken for the Burning of an House. 5. One taken by an *Excommunicato Capiendo*. 6. One taken with the manner. 7. A Thief openly defamed and known. 8. All persons outlawed, unless in some Cases such may be Bailed by the Court, *Stamf. 74.* 9. One that hath broke Prison. 10. Imprisoned for Treason touching the King himself. 11. One taken for falsifying the Kings moneys. 12. He which Counterfeits the Kings Seal, *Bro. Mainprise 59.* 13. Such as are taken for a great and manifest Offence; as one indicted and imprisoned for a Riot, &c.

Persons
Bailable.

By the aforesaid Statute persons are Bailable in the six ensuing Cases.

1. One taken or indicted for a light suspicion of Felony, *Lamb. 335. F. N. B. 249, 250, 251. F.* unless he be of evil Fame, or that there be some strong presumption against him, *Stamf. 74.*

2. Taken or indicted for Petty Larceny, if not guilty of some Larceny before, *Fitz. Mainprise 2. Fitz. 250.*

3. Such as be indicted for Larceny before Sheriff, Coroner, &c. or in some base Court; if likewise of good Fame, *Stamf. 47. Fitz. 247. and 250. Fitz. Mainprise 97.*

4. One indicted before the Coroner for killing a Man *Se defendendo* was Bailed by the Justices of Gaol-delivery. A Murderer indicted at the Kings Suit and acquitted within the year and day shall be either committed to Prison or Bailed until the year and day be passed, that the Wife or next Heir may bring their Appeal within that time, *3 H. 7. cap. 1. and Fitz. 251 G.*

One Convict of Felony, and remaining in Prison, obtains the Kings Pardon, the Justices of the Gaol-delivery may Bail him, if he may come in with his Pardon at the next Gaol-delivery, *Bro. Mainprise 94.*

5. Such as are charged with the Receipt of Thieves, Felons, or of Command, or Force or Aid in Felony done, be Bailable, *Stamf. 71. Bro. Mainprise 11, and 39. 58.*

It seems that Abettors, Consentors, Procurers, and all Accessories to Felony, Bailable, are within the Equity of this Statute, as well in the Case of Murder as otherwise. But after the Principal is attainted they cannot be Bailed, until after they have come in and pleaded, for when he makes default it is in nature of a *Fugam fecit*, and a great cause

cause of Suspicion, which when he appears is taken away, and so he becomes Bailable, *Stanf. 71. Bro. Mainprise 6, 9, 22, 54, 64, 97.*

If I. be Accessory to two, and but one Principal is Attaint, I. shall not be Bailed.

If the Principal in Felony die in Prison or be attainted of another Felony, the Accessory is Bailable, *Fitz. Coron. 378. Bro. Mainprise 91.*

6. Persons indicted of any Trespass not concerning Life or Member are Bailable. *Westm. 1. c. 15.*

A person imprisoned by a Process from the Sessions is Bailable by two Justices (1 *Quorum*) out of Sessions, *Lamb. 337.*

Justices of Peace can Bail no Prisoner, but such as is committed for Causes which may be heard and determined before themselves.

See the excellent Statute made 13 *Car. 2. cap. 2.* in favour of the Liberty of the Subject, appointing how, and in what Cases, when and by whom Prisoners shall be Bailed or discharged; but this concerns not the Justice of Peace.

Alehouses without License shall be committed with-Where Bail
out Bail; so if they have been suppressed, *Vide Tit. Ale-* is taken
houses. away by
Statute.

Such as shall suffer Townsmen to continue Tipling in
their Houses, or such as shall sell less than is appointed
by the Stat. 1 *Jac. cap. 9. 21 Jac. cap. 7.*

Persons convict upon the Statute of *Northampton* (2 *Ed. 3. c. 3.*) such as shall procure another to be Arrested in the Name of a third Person not knowing thereof, 8 *Eliz. cap. 2.*

Petty Jury in *London* attaint; or receiving moneys, &c.
11 *H. 7. cap. 21.*

Mother or reputed Father of a Bastard Child not performing the Justices Order after notice, See *Tit. Bastard.*

Surveyors, &c. for repairing of Bridges, if they refuse to account, 21 *H. 8. cap. 5.*

Persons conspiring to indict another of Felony, *Fitz. Mainp. 7.*

Constable, &c. not levying the Forfeitures for abuses an Alehouse, &c. 1 *Jac. c. 9.*

Constables neglecting to execute the Justices Warrant concerning Alehouses, &c. 3 *Car.* Constables neglecting to whip Trespassers in Corn, Wood or Orchard, &c.
13 *H. 6. cap. 12.*

Of Bailment and Mainprise. Part I.

Breakers of the Kings Prison are notailable, by the *Stat. Westm. 1. made 3 E. 1. cap. 15.*

Speakers of false News, which may cause Discord between the King and his People; or of false News or Lies of the Barons and Great Men of the Realm, shall be Imprisoned till they produce the first Author, *Westm. 1. (3 Ed. 1.) cap. 34. 2 R. 2. cap. 5.*

Refusers to be Overseers of Cloth, *Vide Tit. Cloth.*

Such as are convicted of making deceitful Cloth. *Ibid.*

Persons convicted for unlawful hunting of Deer, &c. *5 Eliz. cap. 21.*

Dyers using Logwood, and thereof convicted, *39 Eliz. cap. 11.*

Destroyers of Ponds, Pools, &c. where Fish are kept, or unlawful Fishers in the same. Gagers, Packers, Searchers of Fish, *11 H. 7. cap. 23.*

Forestallers, Regrators, Ingrossers, *5 Ed. 6. cap. 14.*

Forgers of any Deed, the Assenters thereunto, and Publisher thereof, knowing the same, *5 Eliz. cap. 14.*

In fraudulent Conveyances the parties thereunto, the Justifiers thereof, and such as put the same in ure, or assign over such Lands, &c. knowing the same, *13 Eliz. cap. 5. 14 Eliz. cap. 11. 27 Eliz. cap. 4.*

Unlawful Games, the maintainers of Houses for such; The Players in the same or elsewhere, *33 H. 8. cap. 9. Vid. Tit. Games.* Such as shoot in, keep, carry or use any Guns, &c. *33 H. 8. cap. 6.*

All persons which shall shoot at any Hare with a Gun, &c. or trace in the Snow, or destroy Hares with any Engin, *1 Jac. 27.*

Hatters which shall take above two Apprentices, or for less than seven years, *8 Eliz. cap. 11.*

Takers of Hawks or their Eggs out of another Man's Grounds, *5 Eliz. cap. 21.*

Hawkers between the first of July, and the 31st of August, *7 Jac. cap. 11.*

Bailiffs and High Constables not paying the Forfeitures concerning Highways collected by them, *2 Ph. & Mar. cap. 8.*

Hostlers or Innkeepers which shall make any Horsebread or not sell the same, &c. for reasonable Gain, contrary to the Statute, *21 Jac. c. 21.*

Hunters, &c. for any Deer or Conies contrary to the Statute, *5 Eliz. c. 21. 3 Jac. c. 13. 7 Jac. c. 13.*

Labourers and Artificers departing from their Work before it be finished, *5 Eliz. c. 4.*

Servants

Part I. Of Bailment and Gainprise.

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Servants departing before their Term be ended without leave of a Justice, or at the end of the Term without a Quarters warning. *Ibid.*

Persons compellable to serve, refusing so to do, for Wages rated by the Justice, or which have promised to serve, and not perform. *Ibid.*

Persons refusing to be bound Apprentice according to the Statute. *Ibid.*

Single Women between the years of twelve, and under forty years, which shall refuse to go to Service. *Ibid.*

Such Masters as shall give a Servant or Labourer, which shall take Wages, &c. contrary to the Rates assessed by Proclamation. *Ibid.*

Masters hiring Servants for less than one year, or which have departed out of Service without Testimonial, *Ibid.*

Masters taking Apprentices contrary to this Statute, *Ibid.*

The Defendant in Appeal of Maim where the Fact seems to be heinous, 6 H. 7. f. 1.

Persons disobeying the restraint of Malting, 39 Eliz. cap. 16.

Such persons as shall shoot at or kill, &c. with any Gun or Bow, any Partridges, &c. or with Setting Dogs or Engins, or shall destroy their Nests or Eggs, or keeping any Settings Dogs or Net, &c. except they have an Estate, &c. 1 Jac. c. 27.

Persons convict on 11 H. 7. c. 17. for taking the Eggs of any Swan out of the Nest.

Persons perjured in Depositions in a Court of Record, or a Court Baron; so are the Procurers, 14 Eliz. cap. 11.

Persons committed by the President of the College of Physicians, 1 Mar. c. 9.

Refusers to pay Rates for the Relief of persons infected with the Plague, 1 Jac. c. 31.

Refusers to pay their Rates to the Poor, setting them on work, or binding out of Apprentices, 43 Eliz. c. 2.

Overseers refusing to make their Accounts, or to pay Arrearages, or be negligent in their Office, *Ibid.*

The Grandfather or Grandmother, Parents, Children refusing to relieve one another, *Ibid.*

Refusers to pay the Rates to the Relief of Prisoners in the Kings-Bench or Marshalsey, *Ibid.*

Disturbers of Preachers, &c. their Aiders and Procurers, any that rescues such Offenders, or hinders the arresting of them, 1 Mar. c. 3. Sess. 2.

Such as divulge vain Prophecies, to make disturbance,
5 *Eliz. c. 5.*

Persons suspected to be Jesuits, Seminaries, and refusing to answer, 35 *Eliz. c. 2.* 2 *Jac. c. 4.*

Woman Recusant convict, and not conforming herself, 7 *Jac. c. 6.*

Feme Covert refusing at the Assizes or Quarter-Sessions to take the Oath of Allegiance, 8 *Jac. c. 4.*

A Master of a Ship permitting any Child to pass over the Sea without Licence, 1 *Jac. c. 4.*

Recusants refusing to declare what Armour, &c. or to deliver the same, 3 *Jac. c. 5.*

Recusants which impugne the King's Authority Ecclesiastical, or perswading others thereto, or meet at Conventicles, or perswade others so to do, 35 *Eliz. c. 1.*

Persons absenting from Church, and having nothing to be distrained, 3 *Jac. c. 4.*

Persons convict of *Redisseisin*, *Merton c. 3.*

Schoolmasters not allowed by the Ordinary, and persons keeping of a Schoolmaster absenting from Church, 23 *Eliz. c. 1.*

Sheriffs not electing Knights of Parliament in full County, between the Hours of Eight and Eleven in the Forenoon, 8 *H. 6. c. 11.* 23 *H. 6. c. 15.*

Sheriffs making Return contrary to the said Statute, *Ibid.*

Sheriffs, &c. making any Warrant for arresting, &c. of any person to appear in any Court not having the Original Writ or Process, 43 *Eliz. c. 6.*

Soldiers purloining their Horses or Harness, 2 *Ed. 6. cap. 2.*

Refusers to pay their Rates to the Stock of the Shire, and having nothing to be distrained, 43 *Eliz. c. 2.*

Defendant in Suit for Tythe, which disobey the Sentence, 27 *H. 8. c. 20.* 32 *H. 8. c. 7.*

Such as Counterfeit the Marks of Vessels of Wax or Honey, 23 *Eliz. c. 8.*

Conjurers, &c. which shall undertake to discover any Treasure lost or stolen, which provoke any person to love, or shall hurt any Cattle or Ground, 1 *Jac. c. 21.* 4 *Ph. & Mar. c. 8.*

Such as shall take Women unmarried and under the Age of Sixteen Years out of the Possession of their Parents, and against their Will; two years Imprisonment, &c. 4 & 5 *Ph. & Mar. c. 2.*

At Common Law, the Sheriff and Constables, as Conservators of the Peace, might have bailed one suspected of Felony, this Power is taken away and given to the Justice by the Statute following. Every Justice might Bail such Persons at his discretion, by the Statute, 1 R. 3. cap. 3. which for the abuse of it was altered by 3 H. 7. cap. 3. and there by two Justices, one being of the *Quorum*, were enabled to bail Persons Mainpernable to the next Sessions or Gaol-delivery; afterwards by the Statute 1 & 2 Ph. & Mar. cap. 13. it was provided that it be for Manslaughter or Felony, or suspicion of either, then two Justices must be present together, at the time of the Bailment, which they must certify to the next Gaol-delivery; if they do not, to be fined there; but Criminals for Offences under Felony, one single Justice may bail.

The Bail in Murther, Felony, &c. may keep the Murtherer, Felon, &c. as a Prisoner till the day of Appearance; For the Bail is *Corpus pro corpore*, and the Bail must render themselves if the Murtherer, Felon, &c. escape, *Bulstr. 70. Hetly 157.*

If an Indictment be removed by *Cerciorari*, and no Bail put in above, the Court below may proceed without a *Procedendo*, *Styl. 321.*

If Proceedings be removed by *Certiorari*, and after sent back by a *Procedendo*, yet the Bail is for ever discharged, *Co. Bail and Mainprise fo. 26.*

Vid. Tit. Cerciorari.

Of Barretors.

BArretor cometh from the *French* (*Barrat*, id est, *astutia*) and in Law signifies a Common Wrangler whom every Justice may bind to the Peace or Good Behaviour; he is a common stirrer up of Suits in Court, or Quarrels in the Country, *Co. Lit. 368. Hutt. 104. Cro. Car. 192. Dalt. cap. 10.*

As if any Court Person by Fraud or Malice maintain or stir up multiplicity of feigned Suits or Informations, or maliciously purchase a special *Supplicavit* to get a Composition.

As for the Purpose in the County, which is of three sorts. 1. By Quarrelling or Fighting in their own Cause. 2. Takers or Obtainers by Force or Subtilty of Lands

or Goods in question. 3. Inventers or Reporters of false Reports. A Feme Covert cannot be guilty of Barretry, 2 *Rolls Rep.* 39.

1. Any Offenders herein are punishable, by Fine and Imprisonment; and may be bound to the Good Behaviour.

2. An Indictment was *Communis Barretror*, where it should have been *Barretrator*, and quashed for that, 20 *Jac. Alports Case*.

3. Although this be an Offence of a complicate nature, yet a place must be assigned for the necessity of Trial, 1 *Rolls Rep.* 95.

4. This Offence being mixt, the Justices cannot punish it by virtue of their Commission general, but in respect of the Clause therein to punish Felonies, &c. and therefore upon a *Certiorari* such an Indictment being certified *Capta coram, &c. Just. Dom. Regis ad pacem*, but *nec non ad diversa, &c.* being left out, for that Cause the *Certiorari* was quashed, 2 *Rolls Rep.* 151.

5. Suing in another Man's Name is a sort of Barretry, and therefore by 8 *Eliz. cap. 2. §. 4.* he that procureth another to be arrested at the Suit, or in the Name of another, where no such Person is known, or without his consent, on Conviction by two Witnesses, shall be imprisoned for six Months without Bail, and pay treble Costs and Damages to the Party.

Of Bastardy.

SUCH as are born out of a lawful Marriage, are called Bastards; by the Common Law, if the Husband be within the Seas, that is within the Jurisdiction of the Queen of England, if the Wife hath Issue no proof is to be admitted to prove the Child a Bastard (for *Filiatio non potest probari*) unless the Husband hath an apparent impossibility of Procreation. But if the Issue be born within a Month, or but a Day after the Marriage, the Child is Legitimate, *Co. Lit f.* 244.

Any Justice may bind to the Good Behaviour any Person charged or suspected to have begotten a Bastard Child, that so he may be forth-coming when the Child is born; the like may be done afterwards, and before such Order taken, *Dalt. cap.* 11.

If by practice and design a Child be born in a Parish, the Parish where the practice was, shall keep the Child,
2 Bulst. 341.

If the putative Father run away, any Justice may bind to the Good Behaviour, and to the next Assizes or Quarter Sessions, such Persons, as shall have any hand in such Practices about it, and at the General Sessions, they may be ordered to contribute towards the Maintenance of the Bastard. The like may be done to the Constable, who shall neglect to apprehend the putative Father, by virtue of a Warrant from a Justice of the Peace, or they may be fined for it. The like Law for such as convey away the Mother, whereby the Child is become chargeable to the Parish, *Dalt. cap. 11.*

Two Justices (*1 Quorum*) next to the Parish where the Bastard is born, upon Examination of the Cause, shall take Order for keeping the Child, by charging the Mother or reputed Father with a weekly payment, or other relief, and also for the punishment of them both, but such Child must be likely to be chargeable to the Parish. See *Stat. 18 Eliz. cap. 3.* and *7 Jac. cap. 4. §. 7.* From such Order the Party may appeal to the next Sessions whose determination is final, if they make any, but if none be made, *Walter* Chief Baron resolved that no other Sessions could relieve him.

It seems the Mother must be examined upon Oath, and by the Statute of *7 Jac.* she shall be committed to the House of Correction, but not until she be delivered, and the Child being alive. If the Mother or reputed Father upon notice do not perform the Order, they shall be committed without Bail or Mainprise, except they put in Surety to obey the Order, or also personally to appear at the next Sessions and abide the Order thereof, *18 Eliz. cap. 3.*

A Woman offending the second time, shall be sent to the House of Correction, and also find Sureties for the Good Behaviour, but she must be committed by two Justices, *18 Eliz. cap. 3. 7 Jac. cap. 4.* And the Child remain in the Town where it was born.

Where the Mothers or reputed Fathers leave their Children upon the Parish, the Churchwardens by Warrant of two Justices may take their Goods and Profits of their Lands, and by Order of Sessions sell the same, and take the accruing Rent for and towards the Maintenance of the Child.

An Indictment for a Conspiracy to accuse another with being the Father of a Bastard Child, 1 *Syd.* 68.

To make an Order for a Bastard Child two Justices, whereof one to be of the *Quorum*, *Syd.* 222. *Styl.* 154.

An Order made by two Justices for the Maintenance of a Bastard Child by 12 *d.* per Week, as long as the Child shall continue chargeable to the Parish, is good, *Mod.* 20.

A Bastard Child of a Person able to keep it, and not like to be chargeable to the Parish, is not within the Statute of 18 *Eliz.* *Cro. Car.* 436.

In Case of a Bastard Child they cannot go to the Sessions *per saltum*, *Mod.* 287.

A reputed Father is to be adjudged by the two next Justices of the Peace, or the Sessions, *Cro. Car.* 436.

You cannot proceed upon the Statute of 7 *Jac.* *cap.* 4. against a Woman that had a Bastard, for the second Offence unless she be punished for the first Offence, 2 *Bulst.* 349.

If the Father of a Bastard Child dies poor, the Mother must provide for the Bastard, if able, and if not, the Town where last settled, 2 *Bulst.* 250. 18 *Eliz.* *cap.* 3. and 7 *Jac.* *cap.* 6.

If the two next Justices make no Provision for the Bastard, the Sessions must settle it, as the two Justices ought to have done, *Jones* 330.

The Justices of Peace Order must be paid Weekly, and not Monthly, 1 *Syd.* 222.

Sessions cannot originally make Order to keep a Bastard, but it ought to be made by the two next Justices to the place where the Child was born, *Styl.* 475.

The two next Justices are not to commit for not obeying their Order, but to take Bond for Appearance at Sessions, 2 *Bulst.* 342.

If Justices make Order, and the Party refuses to perform it, or enter into Bond to appear, they may commit him without Bail, 2 *Bulst.* 341.

Neither Sessions nor Assizes can meddle touching Bastardy, but upon Appeal, 2 *Bulst.* 293.

Bankrupt.

IF any Bankrupt be found upon Examination, to have fraudulently conveyed his Land, Goods, Fee, or any Estate to the value of twenty pounds, thereby to delay his Creditors, and hinder the Execution of the Statute, and will not make discovery; and if it be in his Power, deliver a particular thereof to the Commissioners, or shew them some casual Cause, whereby he is disabled to pay his Debts; for this he may be Indicted at the Sessions of the County where he became a Bankrupt, and there upon Conviction, to be set in the Pillory for two hours, and to have one of his Ears nailed thereto, and cut off, 21 Jac. 19. §. 7.

By the Statute of 4 & 5 An. cap. 17. It is Enacted, That upon Certificate made and granted under the Hands and Seals of Commissioners of Bankrupts, that a Commission is issued forth against such a Person, and that he is proved before them to become a Bankrupt, it shall and may be lawful to, and for all or any of the Judges of Her Majesty's Courts at *Westminster*, and to, and for all and every the Justices of Peace in *England* and *Wales* (and they are by the said Statute impowred, and required upon Application to them for that purpose made) to grant his or their Warrant or Warrants for taking and apprehending such Person, and him or her to commit to the Common Gaol of the County where taken, there to remain till removed by order of the said Commissioners by Warrant under their Hands and Seals. And the Gaoler to whose Custody such Person or Persons shall be committed, is by the said Statute required forthwith to give notice to some one of the said Commissioners of such Person or Persons being in his Custody, that the Commissioners may send their Warrant for the delivering such Bankrupt or Bankrupts to such Person, or Persons named in such Warrant, and thereby authorized to convey such Person to the said Commissioners, &c. as also to seize any the Wares, Goods, Merchandises, or Effects of such Person or Persons, or any of their Books, Papers or Writings, or any other his or their real or personal Estate.

Battery, vide Assault.

Justice of Peace may not hear and determine Battery the same day, 1 *Syd.* 335.

Behaviour, vide Peace.

Brewers and Bakers.

A Baker not observing the Assize of Bread, shall be set in the Pillory, 51 *H. 3. Stat.* 6.

Brewers breaking the Assize, for the first and second Offence, shall be amerced; for the third shall be set in the Pillory, *Ibid.*

No Brewer shall be a Cooper, 23 *H. 8. cap.* 4. But the Justices have nothing to do, for the suing the Penalties upon the Statute; yet Majors and Justices may assize the Prizes for Ale and Beer. A Brewer brewing Beer with corrupt Hops, or mixt with Pouder, Dust or Soil, forfeits the value of the Hops, 1 *Jac. cap.* 18.

Justice of Peace may commit a Brewer for not paying the Duty of Excise, *Mod. Rep.* 102.

Indictment against a Brewer for selling Ale to an unlicensed Alehouse-keeper, 29 *Car. 2. B. R.*

Brewers are no Victuallers within the Statute of 21 *H. 8. cap.* 4. *Cro. Car.* 113.

Information upon the Statute of 5 *Elix. cap.* 4. against a Brewer, *Cro. Jac.* 178.

None ought to be a Common Baker or Brewer unless he has been an Apprentice seven years, 12 *Co.* 12.

If a Brewer brews with Molasses, Sugar, Hony or Extract of Sugar, shall forfeit the Liquor and 100 *l.* to be recovered by Action or Information in any Court of Record, *Stat. 1 W. & M. cap.* 24.

Bridges.

Bridges.

WHere a Bridge is decayed, and it cannot be known, what Lands are chargeable towards its Reparation, four Justices, whereof one of them being of the *Quorum*, within that Shire, if out of City or Town Corporate, if within, four Justices thereof may call before them the Constable or two of the Inhabitants, and thereupon tax every Inhabitant for a reasonable Sum for repairing the Bridge and Highway adjoining for the space of three hundred Foot, 22 H.8. cap.5. After this, they shall cause the Names of each Person so taxed, to be written in a Roll indented.

And also make two Collectors of every Hundred, who taking the Names off of the Rolls, shall collect and distrain the Refusers; they shall likewise appoint two Surveyors from time to time to see Reparations done, and to these the Collectors shall pay their Money.

The Collectors and Surveyor, shall make a true Account to the Justices, who upon refusal thereof shall issue their Process against them, returnable at the next Sessions; The Justices are to allow them their Costs and Charges.

If a Bridge be wholly in a Corporation, the Shire at large shall not be charged; but if wholly without, the Corporation shall not be charged; if part be within and part without, every of them shall be charged to its own part.

Lands adjoining to a Bridge are not liable *de jure* to the Reparations of it, but the whole County are.

Where Lands are chargeable with Reparations, the Occupiers are liable *pro rata*, Fitz. 235. b.

Whoever is chargeable to the Repairs of Bridges may have his Stones and Timber, &c. upon the Lands adjoining, 43 Aff. 3. Fitz. 4. Affize 353. And he must repair the Way at each end thereof, Crompt. 186. b.

Defects of Repairs of Bridges shall be presented in the County only, 22 Car. 2. cap. 12. §. 4.

Lands given to the Repair of Bridges, shall be let to the best improved Rent without Fine, and on default of the Trustees, the Justices may enquire of the value, and improve and employ such Lands, *Ibid.* §. 2.

Of common Right all the County shall be charged to the Reparation of a Bridge, 13 Co. 33. Unless some are to repair them by reason of some Tenure, *Rolls Abr.* 368.

He that hath Toll of them that pass over a Bridge ought to repair it, 13 Co. 33.

If one erects a Mill for his private Profit, and makes a new Cut for the Water to come to it, and a new Bridge over that Cut where the Queen's Subjects pass and repass, it must be repaired by those that have the Mill, and not the County; for it was erected to serve a private end, though necessary for the publick use, *Rolls Abr.* 368. *Secus Dalt. cap.* 11.

Tho the Queen pardon the Indictment, yet the Offence remains, and the Party that by reason of Tenure, Toll, &c. ought to repair, must so do notwithstanding the Pardon, for that discharges only the Fine, 12 Co. f. 30.

One takes up a Bridge by command of another, both are indictable, 4 Leon. 42. pl. 114.

No Town or Freeman shall be distrained to make Bridges nor Banks, but such as of old time and of right have been accustomed, 9 H. 3. 15. 2 Inst. 29.

Constable not bound to repair Bridges, *Trin.* 13 Car. 2. in B. R.

By the Act of 1 An. cap. 18. Intituled, *An Act to explain and alter the Act made 22 H. 8. concerning repairing and amending of Bridges, &c.* Justices of Peace at their Quarter-Sessions, are impower'd, when Bridges are presented to be out of Repair, to Assess every Town and Parish, &c. in their Commissions, proportionably towards the Repair of the same, which Moneys are to be levied by the Constable by Distress, &c. and shall be paid to a Receiver, and laid out upon the Repair of the said Bridges, and the Highways at the end of the said Bridges. The Constable for neglect in his Duty shall incur the penalty of 40 s. and the Receiver 5 l.

All matters concerning the Repairs of such Bridges, and Highways shall be determined in the proper County, and not to be removed by *Certiorari*.

Justices may allow a reward, not exceeding 3 d. in the pound, to Persons concerned in the Execution of this Act.

Burglary.

THE Word in our Law is taken to be where a person in the Night enters a Dwelling House or Church feloniously, although he do not commit the same, *Dyer* 99. *Stamf.* 30. *Fitz. Coron.* 185, 264.

It must be committed in the Night, for the Indictment runs *quod noctanter fregit*, which is between Sun-setting and Sun-rising; the Indictment goes farther, *quod fregit & intravit*; and yet if the Thief put back the Leaf of a Window, draw the Latch of the Door, turn the Key, or break the Glass-Windows and draw out any Goods thence, it is an Entry in Law, *Dalt. c.* 110.

So setting foot over Threshold, putting Hand, Hook or Pistol within Window or Door (the Door lockt within) is Burglary. Entering an House (Doors open) a breaking, but no Burglary. So to enter an House through an hole made before: But the going down a Chimney to rob is Burglary, See *Andersf.* 114. *Poph.* 42.

A Servant draws the Latch of his Master's Chamber, and enters in the Night with an intent to kill and wound, it is Burglary, *Hutt.* 20.

Robbing a Shop distinct from the House in the Night is no Burglary, *Hutt.* 33.

The Jury cannot find one guilty of Burglary and another of Felony upon the same Indictment, 1 *Syd.* 171.

To open the Casement and take Goods thereout, Burglary, *Savil* 259.

An Indictment for a Burglary is not good if it doth not say *Nocte talis diei burglariter*, *Savil* 47.

If upon an attempt of Burglary, they within cast out their Money, and the Attempters take it, it is Burglary; so likewise it is to come into the House by the help of a Key.

If a Thief pretending he is robbed, take a Constable to search for the Felon in the Night time, and whilst he is so doing, rob the House, it is Burglary, *Dalt. c.* 110.

So if a Servant open the Door or Window in the Night to the Thief, at which he entreth in, this is Burglary in him that so entreth.

If a Thief in the Night time findeth the Door open and robs the House, and being set, breaks a Door to escape, it is Burglary, *Ba.* 65.

But

But if one come to my House in the Day time, and there hideth himself until Night, and then robbeth me it is no Burglary, *Dalt. c. 110.*

If divers come in the Night time to break my House and but one of them enters, the rest watching in the mean while, it is Burglary in them all, *Dalt. ibid.*

It was resolved by all the Judges, *Term. Pasch. 39 Eliz.* That the breaking of an House in the Night time, with an Intent to commit Felony, is Burglary, although no person be in the same; for a Man ought to be in safety in the Night time as well for his Goods as his Person, *Dalt. ibid.*

If a person and his Family be out of his House part of the Night, or have two Dwelling Houses, and be in his other House, at which time his House is broken up, this is Burglary, *4 Co. f. 40.*

If a Chamber in an Inns of Court, a College or Inns of Chancery be broken open in the Night, no person being therein, yet if it be inhabited at the same time, it is Burglary, *Dalt. c. 110.*

A Church, Out-buildings, as Barns, Stables, or a Shop are parcel of a Mansion House; but a Booth is not, and to break Glass in the Window of a Mansion House in the Night, and with Hooks to draw any Goods and steal them, is Burglary, though no person be in the House, *Poph. 42.*

If an Host break open his Guests Chamber in the Night to rob him, it is Burglary, *Dalt. c. 110.*

The breaking in the Night of a Stable, Barn or Out-house, parcel of a Dwelling-House, with an intent to steal, &c. is Burglary, *Bro. Coron. 180.*

If the intent be to rob or kill a person in the Night, the breaking of the House is Burglary, though it be not put in Execution; otherwise it is if the intent be but only to commit Trespass, *Dalt. c. 110.*

Clergy is taken away in all Burglary by *18 Eliz. cap. 7.*

Burial.

NO person shall be buried in any thing made or mixt with Silk, Hair, Gold, Silver, or in any thing not made of Woollen, neither shall the Coffin be lined with any other matter, upon pain to forfeit 5 *l.* to be levied by the Churchwardens by Warrant from any Justice or Head Officer, by Distress and Sale of the Goods of the deceased, or in default of the Goods of any having a hand in putting the Party thereinto, 30 *Car. 2. c. 3.* one full Moiety of the Penalty is given to the Informer, the other to the Poor.

If no Justice of Peace in the Parish, or not to be found, the Parson may take *Affidavit* for burying in Woollen. And if no *Affidavit* made, and Parson's Notice, and Certificate to the Churchwarden within three days after, the Justice of the Peace to grant a Warrant for the 5 *l.* to be levied upon the Goods of the deceased, 30 *Car. 2. c. 3.*

Justices neglecting their Duty forfeit 5 *l.* for every Offence, 30 *Car. 2. c. 3.* Suit to be commenced within six Months after the Offence.

Burning.

Wilfully to burn an House is Felony without Clergy. But it must be *Aedes alienæ*.

If I burn an House wherein I am in possession by Lease, is not Felony, *Cro. Car. 376. Jones 351.*

Butchers.

Butchers that sell Swines Flesh mearled, or Flesh that dies of the Murren, shall be fined; and for the second Offence to be put into the Pillory, 17 *Ed. 2. c. 7.*

A Butcher that Gashes an Ox-hide, or any other Hide, forfeits 20 *d.* he that sells a putrified Hide, forfeits 3 *s. 4 d.* and kills a Calf under five Weeks 6 *s. 8 d.* *Stat. 1 Jac. c. 22. 2 & 23 Car. 2. c. 19.* for killing on Sabbath days, *Vide* *it. Sabbath.*

Butcher

Butcher indicted for buying and selling of Cattle
Latch. 192.

No Butcher within ten Miles of London to sell f
Cattle to another Butcher alive or dead, upon pain
forfeiting the value of them, 22 & 23 Car. 2. c. 19. §. 3.

Butter and Cheese.

A Kilderkin must contain an hundred twenty two
pounds, each pound sixteen ounces, besides the
Cask, each Pot four pounds, 14 Car. 2. c. 26.

Old Butter shall not be mixed with new; no Whey
Butter with Cream; all Butter shall be salted with small
Salt, and shall have no more than necessary, on pain to
forfeit the Butter; and where the Kilderkin is not mea-
sured, six times the value of every pound with it, and to
the Buyer the value which it shall be sold for.

Every one repacking Butter to sell again, for every Po
or Cask so repacked shall forfeit double the value.

All Butter shall be packed in good Cases with a Mark
thereon of the Weight, when filled, the first Letter of
the Packers Name and his Surname at length, upon pain
of 10 s. for each hundred Weight, and so *pro rata*. A
Potter shall weigh his Pots, setting thereon his Name,
&c. or forfeit 12 s. for every such Pot; so persons that
shall pack Butter in a Pot not mark'd, *Ibid.*

Stat. 4 & 5 W. & M. cap. 7. After any Factor or Buyer
hath bought Butter or Cheese and approved the same, the
Seller shall not afterwards be chargeable with any Penal-
ties in the Act of 14 Car. 2. Intituled, *An Act for Reform-
ing Abuses in weighing and false packing of Butter.*

Such Factor or Buyer shall set his Seal, or Mark, or
Name at length on the Cask in which such Butter is;
and in case the same be afterwards exchanged or opened,
and the Cask changed, or bad Butter pack'd up and mixt
with good, or any Fraud be committed by the Seller, the
Offender being convicted upon Oath before one or more
Justices of Peace, or upon his own Confession, shall for-
feit 20 s. for every such Firkin and Offence, to be levied
by Distress and Sale of the Offenders Goods, restoring the
Overplus after Charges defrayed. And Constables of
Parishes and Chief Constables of Hundreds are hereby
authorized to levy the same by Warrant under Hand and
Seal of such Justice or Justices.

Ware-

Warehouse-keepers, Weighers, Searchers or Shippers of Butter and Cheese in any Port within this Kingdom shall receive all Butter and Cheese that shall be brought to them, for any Cheesemonger free of the City of London, or any other making the said Commodities, and take care thereof till the same can be shipped, and shall ship it successively, as it comes to their Hands, on the next Vessel that shall come to lade Butter and Cheese for London (except the Owners order the contrary) and shall receive of the Owners 2 s. 6 d. for every Load, and no more, and so proportionably. And if any such Persons or their Servants shall refuse to receive such Goods, or to take due care thereof, or to ship them successively as aforesaid, they shall forfeit, being convicted in manner aforesaid, for every Firkin of Butter 10 s. and for every Weigh of Cheese 5 s. to be levied as aforesaid.

Warehouse-keepers, Weighers, &c. shall keep Books, and enter therein all Butter and Cheese that shall be brought to them as it comes, with the time when received, the Quantity and Owners Name. And when the Goods are shipped off, shall make Entries of the time when shipped, the Masters Name, the Vessels Name, and to whom consigned; which Book shall be open for all persons to see and search gratis. And if any Warehouse-keeper, &c. shall not keep such Book, or not make Entries as aforesaid, or undue Entries, or refuse in the day time to produce the Book to be searched, such Offenders, being convicted in manner aforesaid, shall forfeit for every Firkin of Butter 2 s. 6 d. and for every Weigh of Cheese 2 s. 6 d. and for every other the aforesaid Offences 2 s. 6 d. to be levied as aforesaid; and for want of Goods to levy the Penalty, the Justice before whom such Conviction shall be made, may commit the Offender to Gaol till the Penalties be satisfied.

If Masters of Vessels coming to lade Butter and Cheese, or their Servants, refuse to take on board any such Butter and Cheese as shall be tendred to be shipped by any such Warehouse-keeper, &c. before their Vessels be laden, they shall forfeit, being convicted as aforesaid, for every Firkin of Butter so refused 5 s. and for every Weigh of Cheese 2 s. 6 d. to be levied as aforesaid.

One half of the Forfeitures within this Act to go to the Poor of the Parish; and the other half to the Informers.

This Act shall not exclude Cheesemongers free of the City of London from sending their own Vessels, or such as they shall hire for their own Goods.

Nothing in this Act shall extend to the Counties of Chester and Lancaster, nor to the County of the City of Chester.

Persons aggrieved by the determination of any Justice of Peace may appeal to the next General Quarter Sessions, whose Determination shall be final. The person appealing first giving to the party accused a Bond of 20 l. penalty with one or more Sureties, to the liking of the Justice of Peace, to pay such Costs as shall be allowed in case the Appellant be not relieved, the said Costs to be paid within a month after the determining the Appeal.

See among the Precedents for a Warrant to levy the Penalties.

Buttons. Vide postea Hair-Buttons.

Carriages.

Vide Presidents, numb. 68, 69, &c.

Carriers.

BY an Act 3 & 4 W. & M. cap. 12. for better repairing and amending Highways, &c. The Justices at their Quarter or General Sessions after *Easter* yearly may assess the Rates and Prices of Land Carriage of Goods whatsoever within their respective Limits by any Common Carrier, &c. and to certify the Mayors and Officers of each Market Town of the Rates, to be hung up in some publick place, and no common Carrier to take above such Rates under penalty of 5 l. by Distress and Sale by Warrant of any two Justices, where such Carrier or Waggoner shall reside, to the use of the Party grieved.

Cattle.

Cattle.

NO person shall buy Oxen, Ronts, &c. and sell them again, unless he keep them five Weeks, upon pain to lose the double value of the Cattle, one Moiety to the King, the other to the Informer, 5 Ed. 6. cap. 14. §. 9.

Drovers licensed by three Justices (1. *Quorum*) may buy Cattle to be sold at a reasonable Price in Fairs and Markets forty Miles distance from the place where he bought them, 5 Ed. 6. c. 14. §. 16.

See the Justices power about Foreign Cattle, 18 Car. 2. c. 2. 20 Car. 2. c. 7. 32 Car. 2. c. 2.

An Act to prevent Frauds in the buying and selling Cattle in *Smithfield*, continued from 13 Febr. 1692. for seven years by 4 & 5 W. & M. cap. 4. Continued further for seven years, from 29 Sept. 1700. by Stat. 11 & 12 W. 3. c. 13.

Certiorari.

WHEN an Indictment is found before the Justices, it often falls out, that a *Certiorari* is procured from the Courts above, to remove it thither, as to a higher Authority, to the end the Party may there either traverse it, or avoid it, for insufficiency of Matter or Form.

The *Custos Rotulorum* is Keeper of the Records, and yet upon a *Certiorari* the Justices themselves must make the Return, because the Writ is directed to them, *Hob.* 135.

It is likewise held there, that the Record it self must be returned, and not *tenor Recordi*; but Mr. *Crompton* is of Opinion, that either the Record or the tenor of it may be certified according as the direction of the Writ shall be, *Crompt.* 116 b.

If the Justices shall not make such Certificate as the Writ commands them, there shall go forth an *Alias Certiorari*; next *Pluries*, *vel causam nobis significes*, and at last an Attachment, *Fitz. N. B.* 245. a.

The Writ may be directed either to an Inferior Court of Record, or to an Officer of Record; also a Sheriff, Ju-

Justice of Peace, Coroner or Escheator; and if it be returnable in *Chancery*, the Words are in *Cancellar. nra.* If into the King's Bench, *Nobis Mittatis*; If into the Court of Common Pleas, *Coram Just. nostris de Banco.*

Although the Return of a *Certiorari* be passed before it be delivered, yet a Justice ought not to proceed any further; so where a forcible Entry being found, and Restitution awarded (then comes a *Certiorari*) and Execution made afterwards, that Restitution was given in the Queen's Bench, and the Justice of Peace severely checkt, *Relv. 32.*

Attachment against Justice for fining one upon Forcible Entry after *Certiorari* delivered to him, *Styl. 359.*

If there be variance between the *Certiorari* and the Record, which is to be removed, the Justices need not to certifie such Record, *Keble 207.*

A Justice may deliver or send into the *Queen's Bench* an Indictment found before him, a Recognizance taken by him, or a Record by him without a *Certiorari*; but if he have a Recognizance taken in his Hands, and then be discharged of his Office, he cannot certifie it in this case without a *Certiorari*, although he be put into the Commission again, *8 H. 4. f. 5.*

If a *Certiorari* come to remove the Indictment of *A.* in which some others be indicted with him, yet the Justice need only to certifie what concerns *A.* For although they be jointly named, yet they are severally indicted, *6 Ed. 4. 5.*

If the day of the Return of the *Certiorari* be passed, yet the Justices must return the Indictment, *6 H. 7. 16. Bro. Judg. 17.* But see *Crompt. 132, 166.*

The *Certiorari* is a *Supersedeas* of it self, and yet the Party may purchase a Writ of *Supersedeas* to be directed to the Sheriff, commanding him not to arrest him upon that Record, *Fitz. N. B. 237. e.*

If a *Certiorari* come to the Justices, and in truth the Indictment was not taken, till after the date of it, yet if it be removed thereby its good enough, *1 R. 3. 4. Lamb. Fitz. N. B. 71. d.*

See the Statute *21 Jac. c. 8.* Where all Writs of *Certiorari* to remove Indictments of Forcible Entries, Riots or Assault and Battery, found before the Justices shall be delivered at the Quarter Sessions in open Court, &c. And the persons prosecuting shall be bound to the Prosecutor in ten pounds conditioned to pay Costs and Damages, &c. or in default thereof the Justices may proceed.

All the Courts at *Westminster* may write to the Justices to certify their Records, that make for the Trial of Causes before them, as in 19 H. 6. 19. the *Common Pleas* sent for an Indictment because a Writ of Conspiracy thereupon was depending before them.

In some Cases, Justices may certify a Record found before them out of Sessions without a *Certiorari*, *Vid. Tit. Forcible Entry*.

In other Cases they ought to certify their Proceedings, but need not send the Record till a *Certiorari* come for it, See *Tit. Peace*.

If in a *Certiorari* to remove a Recognizance, there be these Words, viz. *With all Matters concerning the same as fully as before you they were taken, &c.* The Justices together with the Recognizances, must certify the Examination taken, or the Warrant whereby the Party was brought before them, &c.

Note, No *Certiorari* shall be granted to remove a Recognizance except the Writ be signed with the Hand of the Chief Justice, or in his absence of one of the Justices of the same Court, 1 & 2 Ph. & Mar. 13. §. 7.

Note, That upon a *Certiorari* to remove an Indictment of a Riot or forceable Entry, &c. the Return must have these Words, *Necnon ad diversas Felonias*, or else it is insufficient, 12 H. 7. 24. 2 R. 3. 9. Bro. Indict. 32. 50.

A Record may be removed by a Writ of *Corpus cum causa* or *Certiorari*, but not a *Recordare*.

In every Case where the Justices have power to receive Indictments, but not proceed upon them, they ought of duty to send them up without any *Certiorari*, See 5 Eliz. cap. 1. §. 3.

So if a Man bound to keep the Peace, do make default at the next Quarter-Sessions, the Recognizance with the Record of that default must be certified into the *Chancery*, *Queen's Bench* or *Exchequer*, that Execution may be had thereupon, 3 H. 7. cap. 1. §. 26, 27.

If Surety of the Peace be taken by virtue of a *Supplicavit*, the Justice (being but a Minister) must of course return the Writ and Certificate of his doing, into the Court from whence the *Supplicavit* did proceed, *Lamb. 101*. But he need not return the Recognizance with the Certificate without a *Certiorari* requiring him so to do.

If the *Supplicavit* be against divers, and the Party will release the prayer of the Peace against one of them, that Release ought to be certified for him, or a *Non est inventus*, and the Writ must be served for the rest.

Albeit in the removing of Pleas between Party and Party to higher Courts, by *Tolt*, *Pone*, *Recordare*, &c. there was wont to be a probable cause alledged for the same; yet in this Case of the Crown there need no cause to be comprised, those Courts being all the Queen's Courts, and no loss to any person in what Court soever the Cause be tried.

A *Certiorari* must be delivered to the Justices themselves, although the *Custos Rotulorum* be Keeper of the Records (for it is their Office to return it) and whether it be so delivered or not, shall be tried by a Jury, 31 H. 7. 24. *Hob.* 135.

Note, That *Hankford* Chief Justice of the *King's Bench* required that he who brought thither an Indictment taken before Justices of the Peace, should endorse his Name upon the backside of it, 8 H. 5. 5.

The Clerk of the Peace (upon pain of 40 s.) must certify into the *Queen's Bench* a true Transcript of every Attainder, Outlawry and Conviction had before the Justices in any place except *Wales*, *Chester*, *Lancaster* and *Durham*, within forty days after, if it be then Term time; or if not, within twenty days after the beginning of the next Term, that the same may there appear of Record to be used upon Causes as the Statute appoints.

If a Principal be attaint of Murder, or Felony in one County, whereunto another is Accessory in another County, if the Justices (of Gaol-delivery, &c.) there, shall write to the *Custos Rotulorum*, he must certify such Attainder, &c. that proceedings may be to the Trial of the Accessory, 2 Ed. 6. cap. 24.

If *Certiorari* be brought and Sureties tendred to the Justices, the proceedings after are *coram non Judice*, March 27.

The Judges lately agreed that they would not grant a *Certiorari* to remove an Indictment of Perjury or Forgery, or grand Misdemeanor, 1 *Syd.* 54.

Justice of Peace may send an Indictment into the *Queen's Bench* by *Certiorari* certified, or delivery of it *per proprias manus*, and not by another, *Palm.* 277.

Part I.

Certiorari.

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The Court inclined that nothing can be removed by *Certiorari*, if it be delivered to the Justices after the time of its Return, *Hill. 17 & 18 Car. 2. Rode's Case in B. R.*

No *Certiorari* to be allowed to remove a Conviction for selling Wine in Bottles, &c. *Stat. 2 W. & M. Sess. 2. cap. 14.*

Stat. 5 & 6 W. & M. cap. 11. In Term time no *Certiorari* at the Prosecution of any Party indicted shall be granted out of the Court of *King's Bench*, to remove any Indictment before Tryal had, and from before the Justices of the General or Quarter Sessions of the Peace, unless such *Certiorari* shall be granted upon Motion of Counsel and Rule of Court in open Court, and that the Parties indicted prosecuting such *Certiorari* shall find two Manucaptors before one or two Justices of the County in 20*l.* to plead to the said Indictment in the *King's Bench*, and at their own Charges to procure the Issue that shall be joined upon the said Indictment to be tried at the next Assizes held for the County where the said Indictment was found, after such *Certiorari* shall be returnable, if not in *London, Westminster or Middlesex*. And if in the said Cities or County, then to cause it to be tried the next Term after the said *Certiorari* shall be granted, or at the sitting after the said Term: If the *King's Bench* shall not appoint any other time; and if any other time, then notice to be given to the Prosecutor, and the said Recognizance and *Certiorari* to be certified into the *King's Bench*, and there filed, and the Name of the Prosecutor to be endorsed; and if the Party prosecuting such *Certiorari* being the Defendant, shall not be before allowance thereof, procure such Manucaptors to be bound in a Recognizance, the Justices of Peace may try the said Indictment at the said Sessions notwithstanding such *Certiorari* so delivered.

And if the Defendant prosecuting such *Certiorari*, be convicted, then the *King's Bench* shall give reasonable Costs to the Prosecutor to be taxed according to the course of the said Court; and within ten days after demand upon Oath, and refusal thereof, he shall have an Attachment against the said Defendant by the Court for his Contempt, and the Recognizance not to be discharged till the Costs so taxed shall be paid.

Bail.

Issue to be tried at the Assizes.

Certificate.

Indictment tried at Sessions.

Nevertheless in the Vacation Writs of *Certiorari* may be granted by any of the Justices of the *Queen's Bench*, whose Names shall be endorsed, and the Name of the Party at whose instance it is granted, and before the Allowance of such Writ, the Party indicted prosecuting such *Certiorari* shall find such Sureties as before mentioned in this Act.

And also upon every *Certiorari* granted within *Chester, Lancaster* and *Durham* to remove Indictments as aforesaid, the Parties indicted prosecuting such *Certiorari* shall find Sureties to try the said Indictments at the next Assizes or general Gaol-delivery, and if convicted, shall be liable to like Costs to be taxed as by this Act provided, where the same are granted out of the *King's Bench*.

Provided, If any Indictment be against any Person for not repairing Highways, Cawseys, Pavements or Bridges, and the Title to repair the same may come in question upon such Suggestion and *Affidavit* made thereof, a *Certiorari* may be granted to remove the same into the *King's Bench*; any Law to the contrary notwithstanding.

Provided, That the Parties prosecuting such *Certiorari* shall find two Manucaptors to be bound in a Recognizance, with Condition as aforesaid.

Challenge.

HE that Robs any House or is aiding, abetting, &c. and challenges peremptorily above twenty, shall not have the benefit of his Clergy. When it appeareth by the Record that a Juror is a kin, its a principal Challenge, but not when its shewed by Council, 2 *Syd.* 155. *Vid. Plur Tit. Jurors.*

Churches.

Churches.

CHURCHES situated in a Corporation may by the consent of the Major, Justices, &c. or the major part within the Parish, and the Patron, be united by the Bishop of the Diocese, 17 Car. 2. cap. 3.

4 & 5 W. & M. cap. 12. Makes Parishioners of the Church united, Contributors to the Repair and Ornaments of the Church to whom the Union was made.

The Justice of Peace cannot impose a Tax for the Repair of a Church, *Mod. Rep.* 194.

If one shall strike or draw a Weapon in a Church or Church-yard, with an intent to strike, and be thereof convicted by Verdict, Confession or Oath of two Witnesses in the Sessions, &c. he shall have one of his Ears cut off, or be burnt in the Cheek with the Letter (F) for want of Ears, 5 & 6 Ed. 6. cap. 4. An Indictment without an Oath only is no Conviction to inflict the punishment of this Act, *Dyer* 275. b.

Stat. 1 Jac. 2. cap. 22. Directs the Preacher of St. James's Church in Westminster 100 l. per ann. to be paid quarterly by the Churchwardens; and in default the two next Justices of Peace may give Relief, and may cause the Churchwarden to be imprisoned till payment.

The Justices have Power to reconcile differences. And the Scavengers and Surveyers are to account to two or more of the Justices within four days after the electing new ones. And two of the Justices may commit to the Common Gaol without Bail or Mainprize such as refuse to account until he make true Account and pay the Arrears, 1 Jac. 2. cap. 22.

Clergy.

WHAT this is, with the beginning and use of it, see at large in *Hob. Rep.* f. 288.

At Common Law Clergy allowable in all Cases, except Sacrilege or High Treason, at least such as was against the Queen's Person, *Hales P.C.* 230.

Persons in Holy Orders, shall be burnt in the Hand, and used as others be, See 32 H. 8. cap. 3.

By

By the Statute of 4 H. 7. *cap.* 13. 1 *Ed.* 6. *cap.* 12 Clergy is restrained to once, for all Persons, but only such as are in Holy Orders, and every Person convicted for Murder is ordered to be marked with an (M) in the Brawn of the left Thumb, and for other Felony with a (T) and that in open Court.

But now the benefit of Clergy is taken away in several Cases by divers Statutes, As

1. From Persons found guilty (after the Laws of the Land) for Petty Treason, See 23 H. 8. 1. 28 H. 1. 32 H. 8. 3.
2. For wilful Murther of Malice prepensed or Poysoning, 1 *Ed.* 6. 12.
3. For robbing of Churches, Chappels, or other Holy places, *ib.*
4. Robbing any Person in his Dwelling House, &c. the Owner, his Wife, &c. being within the same, and put in fear, *Ibid.* and 5 *Ed.* 6. 9. *Lamb. cap.* 14. p. 545.
5. For robbing any person in or near the Highway, 1 *Ed.* 6. 12.
6. For wilful burning any Dwelling House or Barn, which hath Corn in it, 23 H 8. *cap.* 1.
7. Any Abettors, Procurers, Helpers, Maintainers or Counsellors to such Offences, 4 & 5 Ph. & M. 4. 5 *Eliz.* 17.
8. Persons convicted of Burglary.
9. Such as break Houses, any person being therein, and put to fear.
10. Felonious Stealer of Horses, Geldings or Mares, 2 & 3 *Ed.* 6. *cap.* 33.
11. Such as command, hire or counsel any to commit Petty Treason, Murder, Robbery, burning of Houses or Barns with Corn, 4 & 5 Ph. & M. *cap.* 4.
12. Such as rob any Person in any Booth or Tent in Fair or Market, the Owners, &c. 1 E. 6. *cap.* 12.
13. All Persons transported into England called *Egyptians*, and staying there above a Month, 1 & 2 Ph. & M. 4.
14. Such as shall be found in Company with Vagabonds calling themselves *Egyptians*, or disguising themselves like unto them, and so remaining for a Month, 5 *Eliz.* 20.
15. Persons convicted of the Felonious taking of Money Goods or Chattles to the value of 5 s. or more in any Dwelling House, &c. though no Person be in it, 39 *Eliz.* 15.

16. Such

16. Such as feloniously take Money, Goods or Chattels from another privily, 8 *Eliz.* 4.

17. Such as stab any Person, who hath not drawn Weapon, or hath not first striken him, if the Party die within six Month, 1 *Jac.* 8.

18. Popish Recusants, &c. who being commanded to abjure, do not depart, or do return again, 35 *El.* 2. §. 10.

19. Any Person receiving, &c. a Jesuit or Priest born in *England*, and ordained by Authority from *Rome*, 27 *Eliz.* 2. § 4.

20. Any convicted upon 3 *H.* 7. 2. for taking any Maid, Widow or Wife of Substance, or after marrying her, or assenting to it, or defiling and receiving her, knowing it.

21. Upon the second Conviction of Forgery, 5 *Eliz.* 14.

22. For committing Rape or Burglary, 18 *Eliz.* 7.

23. Exercising Conjururation whereby any Person is killed or lamed, 1 *Jac.* 12.

24. A Soldier departing without Licence, 2 *Ed.* 6. 2.

25. A wandring Soldier offending against 39 *Eliz.* 17.

26. Such as steal Cloth from the Tentors, 22 *Car.* 2 *ap.* 5.

27. Such as imbezil her Majesty's Stores, *Ibid.*

28. Such as maliciously maim any Person, 22 & 23 *Car.* 2. *cap.* 1.

29. From notorious Thieves and Spoil-takers in the Counties of *Northumberland* and *Cumberland*, 18 *Car.* 2. *ap.* 3. 29 & 30 *Car.* 2. *cap.* 2.

Every Person having his Clergy shall be forthwith delivered out of Prison, and not to the Ordinary; yet the Justices may detain him in Prison as a farther punishment for any time, not exceeding one year, and shall, notwithstanding his admission to his Clergy, answer any other Offences, 18 *Eliz.* 7.

If a Man flings a Stone and kills another he shall have his Clergy. *Jones* 433.

If one rob in *alta via Regia pedestri*, *Quare*, if he shall have his Clergy, *Het.* 75. *Mol.* 5.

One comes to a Tavern and steals the Cup that is given him to drink in, its Felony without Benefit of Clergy, *Stam.* 25. 23 *H.* 8. *cap.* 1. §. 3.

Stat. 3 & 4 *W. & M.* *cap.* 9. Such as shall rob any person or feloniously take away Goods being in a Dwelling House, the owner or other person being there, and put in fear; or shall rob any Dwelling House in the day time, any person being therein, or shall be Accessory to

to any of the said Offences ; or to break any Dwelling House, Shop, or Warehouse thereunto belonging or therewith used in the day time, and feloniously take away Money or Goods to the value of 5 s. though no person be therein ; or shall counsel, hire or command any Person to commit any Burglary, being thereof attainted, or being indicted thereof, shall stand mute, or will not directly answer to the Indictment, or shall peremptorily challenge above twenty Jurors, shall not have the benefit of their Clergy.

Persons indicted of any Offence, for which by virtue of any former Law they are excluded from Clergy, if convicted by Verdict or Confession, shall not be admitted to the benefit thereof if they stand mute, or will not answer directly to the Felony, or shall challenge peremptorily above twenty.

Persons indicted for stealing any Goods in any County, and thereof convicted, or standing mute, or not answering directly to the Indictment, or challenging peremptorily above twenty shall be excluded from the benefit of their Clergy, if it appear upon Evidence that the said Goods were taken in any other County in such manner, as if the said Persons had been convicted by a Jury there, they should have lost the Benefit of their Clergy.

Persons buying or receiving stolen Goods, knowing them to be stolen, shall be deemed Accessories to the Felony after the Fact.

If any Persons shall steal any Chattels, &c. which by Contract or Agreement they are to use, or shall be let to them in Lodgings, such Stealing shall be adjudged Larceny and Felony.

If a Woman be convicted of an Offence, for which a Man might have the benefit of his Clergy, upon her Prayer to have the benefit of this Statute, Judgment of Death shall not be given against her, but she shall suffer the same punishment that a Man should suffer, *viz.* shall be burnt in the Hand, and farther be kept in Prison not exceeding a year.

A Transcript certified by the Clerk of the Crown, of the Peace or of the Assizes, containing the Tenor of the Indictment, and of the person's having had the benefit of his Clergy, or of this Act, to the Judges or Justices in any other County, shall be a sufficient proof that such person hath had the benefit of his Clergy or of this Act.

By the Act of 4 & 5 W. & M. cap. 24. It is enacted, That if a Woman shall be convicted of any Felony, for which a Man might have the Benefit of Clergy, and upon her Prayer hath once had the Benefit of the last recited Statute, and shall be again convicted of any such other or like Felony, she shall lose the Benefit of the said Statute, and suffer death in such manner, as if the same had not been made. These two last mentioned Acts being Temporary, were made perpetual by 6 & 7 W. 3. c. 14.

Clerk of the Peace.

BY 1 W. & M. c. 21. The *Custos Rotulorum* is to nominate the Clerk of the Peace, who for his Mismanagement may be suspended or discharged by the Justices of Peace, and if the *Custos Rotulorum* refuse or neglect to do so in another, the Justices may nominate one at their General Quarter Sessions, See 37 H. 8 c. 1.

Clipping and Coining.

TO counterfeit the Coin of this Realm is High Treason.

The Justices of Peace may inquire hereof, and may make out Process by *Capias* only against those which shall be indicted thereof before them, *Stamf. f. 3. 3 H. 5. c. 7. 11. c. 101.*

By the Act to prevent Clipping and Coining 6 & 7 W. 3. c. 17. it is enacted, That no person do cast any Ingots or Bars of Silver in imitation of *Spanish* Bars or Ingots of Silver, nor stamp any Marks thereon in likeness of the *Spanish* Marks, on penalty of 500 l. And for the better preventing the clipping, diminishing or impairing the current Coin of this Kingdom, It is enacted, That if any person shall buy or sell, and knowingly have in his Custody or Possession any Clippings or Filings of the current Coin of this Kingdom, he shall forfeit the said Clippings and Filings, and also the Sum of 100 l. one moiety to his Majesty, and the other to the Informer, and shall be branded in the right Cheek with the Letter (R) and shall suffer Imprisonment until payment of the Fine, &c.

And

And for the better discovery of Offenders in the Premises, It shall be lawful for any two Justices of the Peace within any County, City or Town Corporate out of the Compass of the weekly Bills of Mortality to enter into the House, Room or Workshop of any person who shall be suspected to be guilty of buying or selling unlawful Bullion, and to search for the same; and in case of refusal by the Occupier to permit them to make such search they may with the assistance of a Constable break open any Door, Box, Trunk, Chest, Cupboard or Cabinet to search for the same; and upon finding any such unlawful Bullion to seize the Bullion and person who had it in possession, and may examine the person upon Oath whether the Bullion so found be lawful Silver, and whether the same was not before the melting thereof the current Coin of this Realm, or Clippings thereof; and if the person shall not prove by his or her Oath, or by the Oath of one credible Witness, that the Bullion so found is lawful Silver, and that the same was not before the melting thereof the current Coin of this Realm nor Clippings thereof; in such Cases the Justices shall commit the person to Prison and secure the Bullion, and oblige the persons that can give Evidence concerning the same, to enter into Recognizance to prosecute the said Offender and Offenders: And in case the Offender shall not upon his Trial on an Indictment for melting the current Silver Coin of this Realm, prove by the Oath of one credible Witness at the least, the Bullion so found to be lawful Silver, and that the same was not the current Coin of this Realm, nor Clippings thereof, then he shall be found Guilty, and suffer Imprisonment for six months without Bail.

Note, That within the weekly Bills of Mortality the persons authorized to search are one or more of the Wardens of the Company of Goldsmiths with any two or more of the Court of Assistants of the said Company, and they in case of refusal by the Occupier, &c. may with the Constable break open the Door, &c. and bring the person offending before the next Justice of the Peace, who shall upon Oath made of such finding examine the person upon Oath, &c. (as above is set forth.)

Cloth.

ANY Justice, Overseer, &c. may search for Tenter, &c. whereby deceit may be used about stretching of woollen Cloth; for the first Offence he may deface them, for the second sell them, but two Justices must sell them, 39 *Eliz. c. 20.* 43 *Eliz. c. 10.*

The Justices upon Information must execute this Law within seven days. And the Justices of the Shire may join with those of the Corporation to appoint Overseers of such Cloth, see the Statute of 3 *Ed. 6. cap. 2.* 39 *Eliz. c. 20.*

Two Justices upon complaint may call before them any person to discover these Offences, and that by two Witnesses, or by his own Confession, the Offender shall be convicted, they shall certify the Offence to the Churchwardens, &c. to levy such Moneys as by their Certificate shall appear due upon the Offenders Goods; and the Justices in defect of Distress shall commit the Party without bail, till he make payment, 21 *Jac. c. 18.*

The Overseers may go into any House, &c. of any Traper, &c. to search for such Cloth, and that only upon suspicion, and fix a Seal of Lead on all Cloth by them viewed with the word *Searched* or *Faulty*, and no other person shall do this under the pain of 5 *l.* 39 *Eliz. c. 20.* 21 *Jac. c. 18.* by which last Statute the Overseers shall fix, engrave their Christian and Surnames upon these Seals of Lead; they shall likewise carry away all Cloth so sealed, and present the same at the Quarter Sessions; if they find any false Seals set on Cloth they shall present it, and the Owners at the next Sessions; but Cloth by them thus lawfully sealed, shall not be afterwards viewed by any other.

If any person (whose Tenters are defaced) offend the second time, shall forfeit 5 *l.* *Ibid.*

If any person refuse to be Overseer he shall forfeit 5 *l.* one half to the Queen and the other half to the Justices, and remain in the Sheriffs Ward until such Forfeiture be paid, or Sureties put in for the same, 39 *Eliz. c. 20.* The Money levied by the Sale of the Tenter, &c. shall be disposed of to the Poor by the consent of any two Justices. Certain Cloths made in *Cumberland, Westmorland, Lancaster,* shall not be subject to search, &c. By the Statute of 1 *Jac. c. 17.*

Welch

Welch Cotten shall not be searched, or have a Seal on their length or weight, 3 Jac. 17.

All penalties for want of length, breadth and weight of Cloth, by any Statute now in force, shall be equally divided into three parts. One to the Searchers, the other two to the Poor of the Parish, See Stat. 21 Jac. c. 18. how to be recovered; these Penalties and Forfeitures are under the power of the Justices of the Peace, and for their direction herein see the Statutes of 4 Jac. cap. 2 27 Eliz. c. 17. 4 & 5 Ph. & Mar. c. 5. 5 & 6 Ed. 6. c. 1 35 Eliz. c. 10. 8 Eliz. c. 12.

Any two Justices may take order between the Clothier and his Spinsters, and punish such as shall convey away, or all Wooll or Yarn delivered to them; and the Receiver knowing the same being convicted by confession, or two Witnesses, shall make recompence by Order of the same Justices; or if not able so to do shall be whipt or set in the Stocks, and for the second Offence shall be whipt or set in the Stocks, 7 Jac. r. 7. See the Stat. 1 An. Sess. 2 c. 18. to the same purpose.

Clothiers refusing to pay Wages assessed at the Session and convicted thereof before two Justices, *Quorum unus* as aforesaid, shall forfeit 10 s. to the party grieved, to be levied by Distress, 1 Jac. c. 6. §. 7.

Three Justices (*Quorum unus*) may take Information or stretching Linen Cloth, and the Seisor to the next Sessions, and also to pay the Queen's Majesty when recovered 1 Eliz. c. 12. See Stat. 14 Car. 2. c. 32. for the Power of Justices in the West Riding in Yorkshire, and for Norfolk and Norwich, and also the Town of Redermister.

For the Prohibition of Foreign Wool-cards, Card-wires or Iron-wire, or making Woolcards, and the punishment thereof, See 14 Car. 2. c. 19.

Coals.

BY an Act made 2 W. & M. c. 7. The Statute 16 & 17 Car. 2. c. 2. concerning the Regulating the Measures and Prices of Coals by Justices of Peace, is revived, to continue for seven years, and from thence to the end of the first Session of Parliament then next. Made perpetual, 7 & 8 W. 3. c. 36.

Coffee.

NOne shall sell or retail Coffee, Chocolet, Sherbet or Tea without Licence from the General Sessions or Chief Magistrate, and a Certificate that he hath entred into Recognizance to pay the Excise (for the Licence and Recognizance he shall pay but 12 *d.*) upon pain of 5 *l.* for every month in which he shall sell by Retail without Licence, 15 *Car. 2. c. 11. §. 15.*

This is repealed 1 *W. & M. Sess. 2. c. 6.* and Duty to be paid at the Custom House upon the Berries.

Common Prayer.

EVery Incumbent resident on his Cure (not having a lawful Excuse allowed of by the Ordinary) shall himself once a month (although he hath a Curate) read Common Prayer, and, if need be, administer the Sacrament, &c. in his Parish-Church or forfeit 5 *l.* to the use of the Parish, upon Conviction by two Witnesses, or Confession before two Justices of the Peace, and if it be not paid in ten days, shall be levied on his Goods, by the Churchwardens, &c. by Warrant from two Justices, 3 & 14 *Car. 2. c. 4. §. 7.*

If any person disabled to preach by *Stat. 14 Car. 2. c. 4.* shall preach during such Disability, he shall be imprisoned three months without Bail, and two Justices or Mayor, &c. upon Certificate from the Ordinary, shall commit him to Gaol. *Ibid. §. 21.*

Constables.

TWO Justices, *Quorum unus*, may appoint High Constables in *Wales*, 34 *H. 8. cap. 26.*
But the usual manner is to chuse High Constables in the Quarter-Sessions, or by the major number of the Justices of that Division out of Quarter Sessions, and they be sworn either at the Sessions, or by Warrant from them.

By the same Authority they are chosen, they are removeable, but that not without just cause.

By the Opinion of Mr. *Lambert* and others, these Constables were ordained by the Statute of 13 *Ed. 1. cap. 6.* and appointed to keep the Peace, to view Arms twice a year, to present default of Armor, Watches, Highways, Hue and Cry, such as lodge Strangers for whom they will not answer.

Petty Constables were devised for the aid of these, about the beginning of the Reign of *Ed. 3.* as Mr. *Lambert* hath it in his Duty of Constables p. 9. See also *Stat. 4 Ed. 3. c. 10.*

But *Fineux* (12 H. 7. f. 18.) says, That Sheriffs at first had the sole rule of the County; then the People increasing, Hundreds were divided, and an High Constable made in each of them long before *Ed. 1.* and *Ed. 3.*

A Constable upon a general Warrant may carry an Offender to any Justice; otherwise it is, if the Warrant be special, *Co. Rep. 5. f. 59. b. Foster's Case.*

The chusing and swearing of Petty Constables belongs to the Leet, yet it is usual for every Justice to swear them, and upon cause to remove.

Anciently both High Constables and Petty Constables were appointed and sworn by the Sheriff in his Torn.

If they refuse to be sworn, the Justice may bind them to the Assizes or Sessions, where they shall be indicted, fined or imprisoned, *Dalt. c. 18.*

If a Constable die, &c. his place is to be supplied by the Leets or Justices of the Peace.

But now by the Statute of 14 *Car. 2. c. 12 §. 15.* In case of the death of Constables or Headboroughs, or in case of their Removal out of the Parish, two Justices of the Peace may swear new ones, they to continue until the next Leet, or until the Sessions where the same shall be either approved or others appointed; and if for want of a Leet they hold over a year, they must be discharged, and others put in their places. By the same Statute Constables, &c. being out of purse may make Rates upon the Occupiers of Lands, Inhabitants and others chargeable to the Poor, which being confirmed by the Justices may be levied by Distress, by the Warrant of two Justices to reimburse themselves for Passes, &c. carrying of Rogues to Correction, &c. *§. 18.*

Its lawful for a Constable to take suspected Persons that walk in the Night and sleep in the day, or them that

that keep suspicious Company, and he may call others to aid him to arrest them, 13 H. 7. f. 10. Lamb. 122.

Constable indicted for refusing to pursue Hue and Cry for a Burglary, Cro. Eliz. 654. Crowder's Case.

Constable to search if any one use any measures but Winchester; and if he finds any unsealed Measure to break the same, Stat. 22 Car. 2. c. 8.

A Constable is not to dispute the Authority of his Warrant, its his Duty to execute it, and if his Warrant be not justifiable in Law, the Justice of Peace, which granted it, shall answer.

One cannot be committed for refusing to be sworn Constable, but must be indicted, Cro. Car. 567.

A Constable hath no Authority to commit any person to Prison before he carries him before a Justice of Peace, unless for breach of the Peace done in his Presence, *Avil* 98.

Constable indicted for disobeying Justice of Peace's Warrant, 2 Rolls Rep. 78.

A Presentment for refusing to be sworn a Constable, *10d. Rep.* 24.

B. R. ordered an Action to be brought against a Constable for committing one to the Compter without a cause.

Several Constables and Parish Officers that had refused to give Accounts upon Oath of the Names of the Inhabitants, House-keepers and Inmates in their several Parishes were tried and fined 100 l. apiece 8 Sept. 1684.

If one be chosen Constable and warned before a Justice of Peace to take his Oath, and voluntarily neglects to take it, he is indictable, *Allen* 78.

A Constable has power through the whole Parish and Division, 18 Car. 2. The Case of the Inhabitants of *Shadwell*.

A Constable of one Town may execute a Warrant in any other Town in the same County by Chief Justice *ale, Trials per Pais*, 201.

A Constable may make a Deputy, 1 Bulst. f. 77. 1 Rolls Rep. 274. 1 Rolls Abr. 591. Moor 845. Cro. Car. 585. He that is sworn, though hired, is the Constable, 1 Sid. 55.

A Constable cannot justify the breaking of any Mans house in the Night time, unless it be in the case of Fe- ny, 1 Bulst. 146. 5 Co. 92. *Seyman's Case*.

A Constable may arrest a Man for breaking the Peace upon himself, 1 *Rolls Rep.* 238.

A Constable takes a Man that dangerously wounds another, and suffers him to escape, and then the Party wounded dies; if not Felony in the Constable, he is fineable at least, 11 *H. 4. fol. 12.*

A Constable may break a door open to take an Offender, where Felony is committed, or dangerous Wound given, *Hales Pl. Cor. fol. 93.*

If there be any Breach of the Peace, the Constable may imprison the Party in the Stocks, in the Gaol, or in his House till he can bring him before a Justice of the Peace *Hales Pl. Cor. fol. 92.*

An Attorney of the *Common Pleas* cannot be compelled to be a Constable, *Cro. Car. 389. Noy 112, 113.*

If a Parliament Man's Servant be chosen Constable, he is excusable from serving, *per Twisden, Mod. Rep. f. 13.*

A Constable in *London* may not justify the Imprisoning of one that disturbed him in doing his Service although he gave him opprobrious Speeches, or make an Assault upon him, or otherwise be of an evil Behaviour, as is said in *Savil 98.* in the Case of *Fullwood* versus *Gascoin.* It is now practised otherwise.

Sessions no power to elect a Constable, but a Leet has *Stiles 362.*

A Constable cannot be sued out of the County where he is Constable, for a thing by him done in Execution of his Office, *Stile 393.*

Corn.

THE power of Justices at their Quarter Sessions next after *Michaelmas* and *Easter*, and in *London* in *October* and *April* by the Mayor, Aldermen and Justices there concerning Foreign Corn imported, 1 *Jac. 2. cap. 19.*

Coroner.

Coroner.

WHat Qualification a Coroner ought to have, *2 Inst.* 174, 175, 176.

No Coroner to demand or take any thing of any Man to do his Office upon pain of great Forfeiture to the King, *per Stat.* 3 *Ed.* 1. *cap.* 10.

But since then it is ordained that a Coroner have for his Fee upon every Inquisition taken upon view of the Body slain 13 s. 4 d. of the Goods and Chattles of him that is the Slayer and Murderer, if he have any Goods, and if he have no Goods, then the Coroner to have his Fee of such Amerciaments as shall fortune any Township to be amerced for Escape of such Murderer, as is aforesaid, *per Stat.* 3 *H.* 7. *cap.* 1.

Upon request made to a Coroner to come and enquire upon View of any Person slain, drowned, or otherwise dead by Misadventure, the said Coroner shall do his Office without taking any thing, and if he neglects or takes any thing, he forfeits 40 s. and the Justices of Peace have Power to determine the same by Examination or Presentment, *Stat.* 1 *H.* 8. *cap.* 7. See the Statute of 4 *Ed.* 1. *cap.* 1. *de Officio Coronatoris.*

A Coroner in one County is a Coroner in every County in England, *Godb. Rep.* fo. 64.

If a Man drown himself and cannot be found, the Inquisition is to be found before a Justice of Peace, and not a Coroner, *Poph.* 208. *Latch.* 166.

Cottages and Inmates.

NO Person shall make, build, &c. any Cottage, unless he assign to it four Acres of Land of Inheritance being near, and always to be used with it, upon pain of ten pounds.

No Inmate nor more than one Family shall dwell in any such Cottage upon Forfeiture of 10 s. *per mensem* by the Owner or Occupier to the Lord of the Leet, 1 *Eliz.* *cap.* 7.

This Act extendeth not to any Cottages in any City, Corporation or Market Town, or erected for Miners or Coleman, being but a Mile from the Work, or a Cottage

rage within a Mile of the Sea, &c. nor to a Warren or old Cottage for Shepherds, or Poor being allowed by the Sessions, *Ibid.*

The Sessions, &c. may determine these Offences upon Indictment, which shall be executed by *Scire Facias*, &c. for Churchwardens by leave of the Lord may erect Cottages fore the Poor, *Ibid.*

By *Clerk*, Inmates are where there are more Families than one, 4 *Leons*. 10.

By *Maxwood*, An Inmate is such an one who is at his own finding, *Ibid.*

An Indictment for erecting a Cottage must conclude *contra formam Statuti*, 2 *Rolls Rep.* 38.

Several were put in one Indictment for having Inmates in their Houses, they ought to be severally indicted, 2 *Rolls Rep.* 164.

County Stock, vide *Stock*.

Counterfeits.

TOW Justices (*Quorum unus*) may bind to the Sessions, &c. a Person suspected of deceitful getting Money or Goods into his Hands by false Tokens, &c. and bind him over to the Sessions, 33 *H. 8 cap.* 1. He that shall personate any Seaman, &c. in the presence of the King's Commissioners, there to receive Monies due from the King, may be arrested by such Commissioners and Imprisoned till he give Bail to appear; and if convicted shall pay double the Sum he demanded, to the Chest at *Chattam*, and imprisoned for any time, not exceeding the Year, 22 & 23 *Car. 2. cap.* 23. §. 6.

He that counterfeits the Hand of the Treasurers of the Navy, or knowingly produces counterfeit Ticket &c. may be committed by the Commissioners of the Navy, until he give Bail to appear at the next Assizes or Sessions, *Ibid.* §. 7.

One indicted and fined for counterfeiting of a Protection, though in the Name of one that had no power to grant it, 1 *Syd.* 142.

Customs.

Such Persons as forcibly resist, hinder, affront, abuse or wound the Officers of the Customs, or their Deputies, in the Execution of their Trust and Services, either on board a Vessel, or by Land or Water, shall by the next Justice of Peace, or other Magistrate, be committed to Prison until the Quarter-Sessions, 14 *Car. 2. cap. 11. §. 6.*

A Justice upon proof (by the Oaths of two Witnesses) may for the first Offence commit any Carman, Porter, Waterman or other Person, that shall assist in the taking up, landing, shipping or carrying away any Goods, Wares or Merchandizes either from the Shoar outward bound, or out of any Ship or Vessel arriving from parts beyond the Sea without a Warrant and presence of one or more Officers of the Customs, to remain till he shall find Sureties for the Good Behaviour for so long time, until he shall be thereof discharged by the Lord Treasurer, Chancellor, Undertreasurer or Barons of the *Exchequer*. And for the second Offence being so convicted, a Justice may commit him to Gaol for two Months without Bail, or until he shall pay the Sheriff 5 *l.* or until he shall be discharged by the Lord Treasurer, Chancellor, Under-Treasurer or Barons, 14 *Car. 2. cap. 11. §. 7.*

12 *Car. 2. cap. 19.* If any Person shall cause any Goods for which Custom, Subsidy or other Duties are due by an Act 12 *Car. 2. cap. 4.* to be landed or conveyed away without Entry first made, and the Customer, Collector or his Deputy first agreed with, upon Oath made before (amongst others) the Chief Magistrate of the Port, or place where the Offence shall be committed, or the place next adjoining, he may issue out a Warrant to any Persons enabling them, with the Assistance of a Sheriff, Justice of Peace or Constable, to enter any House in the day time where the Goods are suspected to be concealed, and in case of resistance to break the House and seize the Goods, but no House shall be entered but within a Month after the Offence committed. And if upon such Information a House be searched, and the same prove false, the Party shall recover his full Damage and Costs against such Informer.

Deer-stealing, see Hunting.

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Dissenters.

Dissenters.

BY the Act 1 *W. & M. cap. 18.* Entituled, *An Act for exempting, &c.* neither 23 *Eliz. cap. 1.* nor 29 *Eliz. cap. 6.* nor that Branch of the Act of Uniformity, 1 *Eliz. c. 2.* concerning Ecclesiastical Censures, and Forfeitures of 12 *d.* per Sunday for not resorting to the Parish Church or Chappel, where the Common Prayer shall be used, nor 3 *Jac. cap. 4.* nor 3 *Jac. cap. 5.* nor any other Statute against Popish Recusants (except 25 *Car. 2. cap. 2.* and 30 *Car. 2. cap. 1.*) shall be construed to extend to any Person dissenting from the Church of *England*, that shall take the Oaths mentioned in a Statute made this present Parliament *cap. 8.* and shall make and subscribe the Declaration mentioned in 30 *Car. 2. cap. 1.* which said Oath and Declaration the Justices of the Peace at the Sessions are required to administer to such Persons as shall offer to take, make and subscribe the same, paying 6 *d.* for registering, and 6 *d.* for a Certificate.

By this Act, *For exempting Protestant Dissenters*, no Assembly of Persons dissenting from the Church of *England* shall be had in any place with the Doors locked or bolted during any time of Meeting, and every Person that shall be at such Meeting shall not have the benefit of this Act, but shall be liable to the former Laws.

The Teacher to take the Oaths at Quarter-Sessions, and subscribe the Declaration, and declare his Approbation of the Articles of the Church of *England*, except 34, 35, 36, and part of the 20th.

Any Justice of Peace may at any time require any Persons that go to any Meeting for exercise of Religion to make and subscribe the Declaration, and also take the said Oaths (or Declaration of Fidelity mentioned in the said Act in case such Persons scruple the taking of an Oath) and upon refusal thereof such Justice of Peace is required to commit such Person to Prison without Bail or Mainprize, and certifie his Name to the next Quarter-Sessions.

If he refuse upon a second tender at the General or Quarter-Sessions, it shall be recorded, and he thenceforth to suffer as a Popish Recusant.

Such as scruple an Oath must subscribe the aforesaid Declaration, and also a Declaration of Fidelity, and subscribe a Profession of their Christian Belief (for which

which see the Statute of 1 *W. & M. Sess. 1. cap. 18*) And in case any Person shall refuse to take the said Oaths when tendred unto them, which every Justice is impowred to do; such Person shall not be admitted to make and subscribe the said two Declarations, unless the Person within 31 days after tender produce two Witnesses, that are Protestants, to swear they believe him to be a Protestant Dissenter, or a Certificate under the Hands of four Protestants conformable to the Church of *England*, or that have taken the Oaths and subscribed the Declaration, and also a Certificate under the Hands and Seals of six of the Congregation to which he belongs, owning him for one of them.

The said Person to enter into Recognizance of 50 *l.* till he produce the Witnesses or Certificate, and if he cannot give such Security, to be committed till he produce such Certificate or two Witnesses.

If any Person willingly, purposely, maliciously or contemptuously come into any Cathedral or Parish-Church, Chapel or other Congregation permitted by this Act, and disquiet or disturb the same, or misuse any Preacher or Teacher, upon proof before a Justice of Peace by two Witnesses, shall find two Sureties in 20 *l.* by Recognizance, in default to be committed to prison till next Quarter-Sessions, and if there convicted shall pay 20 *l.*

All Laws provided for frequenting Divine Service on the Lord's Day to be in force against all persons that come not to some Congregation or Assembly of Religious Worship allowed by this Act.

No Assembly for Religious Worship shall be allowed by this Act, till the place of meeting be certified to the Bishop of the Diocess, or to the Archdeacon, or to the Justices of Peace at the Quarter-Sessions, and registered or recorded there respectively.

Where a Statute gives Power to a Justice of Peace to require any person to take Oaths, the Law implicitly gave him power to make a Warrant to have the body before him, 12 *Co.* 130, 131.

See amongst the Precedents, *Tit. Conventicles and Dissenters.*

Dying.

Dying.

ANY Justice upon Information against any Person suspected to offend the Statute, against the using Logwood, may by Warrant convene the Party before him, and examine him or others upon Oath; and finding the same, shall bind him with Sureties to the next Gaol-delivery, or Sessions, and certify thither the Examination; and if such Person refuse to be bound, may send him to the next Gaol, to remain there till he become bound. The Justices, &c. may convict the Offenders, and set them in the Pillory, and the party shall forfeit 20 s. 39 *Eliz. cap. 11.*

Two Justices where Logwood is found may cause to be burnt, 23 *Eliz. cap. 9.*

Egyptians.

EVERY Justice, &c. within a Month after their Arrival, may seize the Goods of any Persons calling themselves *Egyptians*, and keep the same, one Moiety whereof to himself, the other to the King; but if such Goods be proved to be stolen, they shall be restored upon pain of the Forfeiture of the double value 22 *H. 8. cap. 10.*

After the Month, this Offence is Felony by the Statute, 1 & 2 *Ph. & Mar. cap. 4. 5 Eliz. cap. 20. Quare*, 1 the Statute of *H. 8.* be not Repealed by the foresaid Statutes.

Note, That by these later Statutes the Word *Egyptian* is extended to counterfeit Rogues and Vagabonds *English and Welsh, Dalt. cap. 22.*

Escape.

EVERY Person committed or charged in the *Queen's Bench*, or *Fleet Prisons*, either in Execution or on Mesne Process, or for Contempt, who before he or she have satisfied their Creditors, or be cleared of such Con

Contempt shall Escape from the said Prisons, or shall go at large: On Oath thereof made by one credible Witness before any Judge of the Court where the Action was entred, or Judgment obtained, such a Judge may grant a Warrant, which shall be of force in all parts of *England*, directed to all Sheriffs, Mayors, Bailiffs, Constables, Headboroughs and Tytingmen, to seize and re-take such Person, and to commit him or her to the Common Gaol of the County where taken, and not to be delivered thence till payment or satisfaction, &c.
1 *An. Sess. 2. cap. 6.*

Estreats.

THE Clerk of the Peace shall deliver to the Sheriff an Estreat of all Fines, &c. and shall also deliver up into the *Exchequer* a perfect Schedule of such Estreats upon pain of 50 *l.* to the Queen and to the Informer, 22 & 23 *Car. 2. cap. 22.* Made perpetual, 4 & 5 *W. & M. cap. 24.*

No Justice or Clerk of the Peace shall spare, &c. any Indictment, &c. upon pain to forfeit the treble value, See *Stat. 42 Ed. 3. cap. 9. 7 H. 4. cap. 3.*

The Estreats must mention for what Offence the Fine was imposed, *Lane 55.*

Examination.

WHen any Person is brought before a Justice of Peace for Murder, or Manslaughter, or other Felony, or Suspicion thereof, before such Justice commit him to Prison, he shall first take the Examination of the Offender. 2. The Information of such as bring him, and so much as is material to prove the Felony, he shall put in Writing within two Days after such Examination. 3. He shall bind the Witnesses by Recognizance to appear at the next Gaol-delivery to give Evidence, &c. 4. He shall make his *Mittimus* to carry him to Prison, unless he beailable, and then two Justices (*Quorum unus*) may Bail him. 5. The said Justice or Justices shall certifie at the next Gaol-delivery such Examination.

amination, Information, Recognizance and Bailmen
1 & 2 P. & M. cap. 13. & 2 & 3 P. & M. cap. 10.

Yet for Petty Larcenies, and small Felonies, the Offenders may be tried at the Quarter-Sessions, and the Examinations and Informations certified, and the Informers bound thither, *vide Stat. 3 H. 7. cap. 2. Dalh cap. 122.*

A Justice of Peace cannot detain a Person suspected in Prison, but during a convenient time only to examine him, which the Law intends to be three Days
Cro. Eliz. 829, 830.

Vide Presidents, Nu. 111, 116.

Excise.

FOR the Duty of Excise see the several Statutes,
12 Car. 2. cap. 23, 24. 15 Car. 2. cap. 11. and 22,
23 Car. 2. cap. 5.

All Forfeitures without the City of London be ordered by one Justice of the Peace; in case of his neglect or refusal, then within fourteen Days by the Sub-Commissioners, from whom an Appeal lies to the Sessions, where it shall be final.

The Oath of an Officer of the Excise shall be administered by two Justices; no Officer in the Excise shall be a Justice of the Peace; no Officer shall take a Bail upon pain of 10 *l.* which upon proof of two Witnesses shall be levied by the Warrant of two Justices.

Justices shall meet at least once a Month to hear Matters of Excise.

Extortion.

NO Sheriff, &c. by colour of Office shall take to their use for Arrests, &c. any more than 20 *d.* Bailiff 4 *d.* Gaoler 4 *d.* making of Return, &c. 4 *d.* for Obligations, &c. 4 *d.* 23 H. 6. cap. 10. The Offender shall lose to the Party treble damages, and be fined 40 *l.* half to the King, half to the Informer.

No Sheriff, Bailiff, &c. shall carry or convey any Person in his Custody to any Tavern, Alehouse, &c. so as to charge him with any Sum or Sums of Money there, more than what he shall willingly call for, and
freely

freely give, nor take any more than reasonable for his Lodging and Expences, 22, 23 *Car. 2. cap. 20. §. 9.*

Extortion is an Offence at Common Law punishable by Fine and Imprisonment; and where any Act by Common or Statute Law is to be done by an Officer, he ought to do the same without taking any Fee, unless by Statute or lawful usage, a reasonable one be allowed him; and where any Officer either at Common Law or in the Ecclesiastical Court, shall take any other or more Fees, he may be punished at the Sessions by Indictment, See *Stat. 21 H. 8. cap. 5. 23 H. 8. c. 5, 6, 9. 2 & 23 Car. 2. c. 23.* What Fees are allowed to Ordinaries, &c. for Probate of Wills and granting Administrations, see the 4 *Inst.* 336.

Its Extortion to take one peny from the Party arrested. Extortion in the Spiritual Court punishable at Common Law, *Palm.* 318.

Fees of Justices.

Every Justice for each day they keep their Sessions, may take 4 s. his Clerk 2 s. of the Fines of the Sessions, by the Sheriffs Hands, except such Justices be Duke, Earl or Baron, 12 R. 2. c. 10. 14 R. 2. c. 11.

For Enrolments of Lands not worth above 40 s. per ann. to the Justice 1 s. the Clerk the other; if above 40 s. r ann. to the Justice 2 s. 6 d. and to his Clerk, 27 H. 8. p. 16.

A person licensed to keep an Alehouse, shall pay but 2 d. for his Recognizance, 5 Ed. 6. c. 25.

Justices, Mayors and Head-Officers for every day they t to execute the Statute of Labourers not exceeding three days, 5 s. per diem each of them out of the Fines coming by the Statute, 5 Eliz. cap. 4.

In all other matters a Justice is directed by his Oath, which is to take nothing for his Office of Justice of the Peace to be done but of the Queen, and Fees and Costs given by Statute.

Warrant, Recognizance, discharge of the Peace, 2 s.

Warrant, *Supersedeas* and Recognizance of the Good behaviour, 2 s.

For each Rioter recorded and fined, at his Discharge,

Felo

Felo de se.

IF a Man do voluntarily murder or kill himself by any means or way, he is a *Felo de se*, all his Goods and Chattels and Debts. due upon Specialties, are forfeited to the King, but not till his Death be found by the Coroner.

One gives himself a mortal Wound, and dies thereof within a year and a day after, he is also a *Felo de se*.

If *A.* having his Dagger drawn, be pursued by *B.* to kill him, and *A.* falleth down by accident, and *B.* through haste falls upon his Dagger, in this Case *B.* is a *Felo de se*. Sir Franc. Bacon 4, 5.

A. discharges a Musket with a felonious intent at *J.* and misseth him, and it breaks and kills him that fired in he is a *Felo de se*, Dalt. c. 104.

If an Infant or a *Non compos mentis* kill himself, he forfeits nothing, and so a Lunatick, if the Blow, &c. (which was the Cause of his Death) be given in time of his Lunacy, though he die thereof when he is of sound Memory. Stamf. 19.

If the Body of the *Felo de se* be hid, so that the Coroner cannot find him, to enquire of the Death, *super visum corporis*, then the Justices of the Peace may enquire of the Felony, and a Presentment thereof made before them, entitles the King to the Goods, &c. Hales, P. C. 29.

Felonies.

ANY Justice may cause fresh Suit and Search to be made by Sheriffs upon any Theft or Robbery, if that the Constables arrest the Person suspected, and that by Power of the first *Assignavimus* in their Commission, and may also take the Examination of Persons suspected for Felony before him, 2 & 3 Ph. & Mar. c. 10.

He must put the same Examination into Writing, and certifie to next Gaol delivery, and then commit the Offender, unless he be bailable, which must be done by two Justices, *Ibid.*

The Informer and Witnesses must be bound thither by Recognizance, unless the Informer be unable to travel, when he must only take his Oath and certify it.

If the Justice do not certify and bind over, &c. he shall forfeit at the discretion of the Justices of Gaol delivery; otherwise for Petty Larceny, or small Felonies determinable in the Sessions, it is advisable that he bind him over and certify, 2 & 3 Ph. & Mar. c. 10.

The Justices by the Statute 18 Ed. 3. c. 2. 34 Ed. 3. c. 1. R. 2. c. 10. may give Judgment upon all Felonies not restrained by Statute, or their Commission.

They have power likewise by several Statutes to determine these Felonies, viz. Soldiers departing without Licence; Felonies presented in the Torn; cutting Pow-cke; Beggars, transporting Sheep, incorrigible Rogues, wandering Soldiers and Mariners, carrying Men forcibly out of Cumberland.

But these Felonies they cannot enquire of, 1. Felonies committed by the King's Servants, by the Statute of 3 H. 7. c. 14.

2. Murders or Manslaughter within the King's Palace, 3 H. 8. c. 12.

3. Imbezelling of Records, 8 H. 6. c. 12.

4. Forging of any Deed or Writing, 5 Eliz. c. 14.

Note, If any thing be made Felony by Statute, the Justices of Peace cannot enquire of it, unless they be named, neither are they comprehended under the general Words of Justices of Oyer and Terminer.

5. Servants imbezelling their deceased Masters Goods, 3 H. 6. c. 1. Lamb. 529.

Where Murder or Felony is committed in one County, and the Accessory in another, an Indictment taken by Justices of the Peace where the Accessory is committed, is good, See 2 & 3 Ed. 6. c. 24. §. 4.

Lastly, Justices of the Peace cannot try such as are Indicted of Felony before the Coroner, Justices of Gaol delivery, or of Oyer and Terminer, Lamb. 530.

Some Cases of Treason, the Justices may enquire of,

1. Maintenance of the See of Rome, &c. 2. Such as shall obtain Bulls from Rome, &c. 3. Such as shall draw subject to the Romish Church. 4. Such as shall bring in Agnus Dei, Beads, &c. 5 Eliz. cap. 1. 13 Eliz. cap. 2. 2 Eliz. cap. 1.

Felonies by Statute.

If any person being the King's sworn Servant sh^d confederate, imagine, compass or conspire with another to destroy the King, or any Lord, or other sworn of the King's Council, or the Steward, Treasurer or Comptroller of the King's House, 'tis Felony, 3 H. 7. c. 14.

It is Felony to break Prison by any person there in Custody for Felony, 1 Ed. 2. *De frang. Pris.* 2 *Inst.* 589.

He is said to be such a Prisoner that is under Arrest, whether without the Prison or within, *Dyer* 99. and any such Prisoner makes his Escape, this is breaking of Prison within the Act, 1 Ed. 3. 17. Co. 2 *Inst.* 589.

If the Prison be set on Fire by accident, if any Prisoner therein for saving himself, break the Prison, this is Felony, but it is an Act excusable by the Law of Nature *Plowd.* fol. 13. b.

If a Stranger break the Prison, or make a Rescue whereby a Prisoner for Felony makes his Escape, this is Felony both in the Prisoner and Stranger, 1 H. 7. 1 Ed. 3. 17. *Dyer* 99. So it is of Rescuing one at the Gallows to Execution, for this is breaking of Prison within the Statute.

If any person permitteth a Prisoner that is in his Custody for Felony to escape, such permission is Felony in the Keeper, but not in the Prisoner; but if the Prisoner escape by the negligence of the Keeper, this is only Felony in the Prisoner, 44 *Aff.* 18. *Bro. Escape* 31. *Stamf.* 31.

Note, An Escape is properly when a Prisoner escapes and gets out of the view of his Keeper, *Stamf.* 33. *Bro. Escape* 4. 35.

Note, That a voluntary Escape is no Felony, if the act done was not Felony at the time of their Escape made, as if A. give B. a mortal Wound, and the Constable arrest A. and after wilfully suffer him to escape, B. dies, this Escape is no Felony neither in the Constable or Prisoner, 18 H. 4. 12. *Plowd.* 401. *Bro. Resc.* 17. *Stamf.* 33.

Note, That if a Man be committed but for Suspicion of Felony, and the Keeper suffer him voluntarily to escape, yet this is Felony though the Prisoner was never indicted, 44 *Aff.* 12. *Bro. Esc.* 31. *Dyer* 99.

If a Man be arrested upon Suspicion of Felony, and those that arrested him receiving intelligence there is no Felony done, do thereupon discharge him, this is no Felony

Felony nor Escape; for there can be no Felon, but where there is a Felony committed, 11 *H. 7. fol. 7.*

But if a Felony be committed, and a person be arrested upon suspicion thereof, though he appears innocent of the Fact, yet those that arrested him cannot discharge him, and if they do 'tis Felony, 44 *Aff. 12.*

If a Justice of Peace shall deliver a Prisoner for Felony without Bail, this is Felony; but if he Bail one that is notailable, this is only a negligent Escape, 25 *Ed. 3. 36. 43.*

If one be brought before a Justice of Peace for Suspicion of Felony, and confess the Felony before the Justice, and he suffer him to go at large, without Bail, this is a voluntary Escape, *Dalt. c. 117.*

Cutting any one of the King's Subjects Tongues, or putting out their Eyes, of Malice prepensed, is Felony, *H. 4. c. 5.*

If any person shall of Malice fore-thought, or by lying in wait shall cut or disable the Tongue, put out an Eye, slit the Nose, cut off a Nose or Lip, or cut off or disable any Member of any the Queen's Subjects, with an intention to maim or disfigure him, 'tis Felony in him and his abettors. 22 & 23 *Car. 2. c. 1.*

It is Felony without Benefit of Clergy to steal Cloth, or any other Woollen Manufactures from the Tenters in the Night, 22 *Car. 2. c. 5.*

It is Felony maliciously to break down any Powdrike or other Banks in Marsh Land, 2 & 3 *Ph. & Mar. c. 19.*

Conjuration or Invocation of any Evil Spirit for any intent, &c. or to be counselling or aiding thereunto is Felony without benefit of Clergy, 1 *Jac. c. 12.*

To consult, covenant with, or entertain, &c. any Evil Spirit, &c. is Felony in such Offenders, Aiders and Counsellors, *Ibid.*

To take up any dead Body, or part thereof, to be employed or used in any manner of Witchcraft, is Felony in such Offenders, their Aiders and Counsellors, *Ibid.*

It is Felony in the Offenders, Aiders and Counsellors to use or practise Witchcrafts, Inchantments, Charm or Sorcery, whereby any person shall be killed, pined or maimed within any part of his Body, *Ibid.*

To practise Witchcraft, thereby to declare where any Treasure may be found, or where any Goods lost or stolen may be found, or where any Cattle or Goods shall be destroyed or impaired, or to the intent to provoke any person to Love, or with an intent to hurt any person in his

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Body

Body, though it be not effected, every second Offence is Felony without Benefit of Clergy, *Ibid.*

Imbezelling of the Queen's Ordnance, &c. by any person having the charge or custody thereof to the value of 20 s. though at several times, Felony, 31 *Eliz.* c. 4.

Imbezelling of any Record or parcel thereof, &c. in any of the Queen's Courts at *Westminster*, (by reason whereof any Judgment shall be reversed) 'tis Felony in the Parties, their Counsellors, Procurers and Abettors, 8 *H. 6.* c. 12.

It is Felony without the Benefit of Clergy to steal or imbezel any of the Queen's Sails, Cordage, or Naval Stores to the value of 20 s. 22 & 23 *Car. 2.* c. 23. Continued by 1 *Jac. 2.* for seven years, and continued by 4 & 5 *W. & M. cap. 24.* from 13 *Feb.* 1692. for seven years. Continued for seven years from 29 *Sept.* 1700. and from thence to the end of the next Parliament, 11 & 12 *W. 3.* c. 13.

If any person of the Age of fourteen Years or above, shall call himself an *Egyptian*, or shall be in company of such, or shall disguise himself in Apparel, Speech or otherwise like such, and shall be, or continue in *England* one month, at one or several times, 'tis Felony without Benefit of Clergy, 1 & 2 *Ph. & Mar. cap. 4.*

'Tis Felony without Benefit of Clergy to acknowledge any Fine or Recovery, Deed enrolled, Statute, Recognizance, Bail or Judgment in the name of any other person not privy or consenting thereunto, 21 *Jac. c. 26.*

By the Statute of 27 *Ed. 3.* c. 11. it is made Felony to forestal or buy any Merchandize before they come to the Staple.

If any Gaoler by Durels of Imprisonment, shall enforce any Prisoner to become an Approver (*i. e.* an Accuser of any other as a Coadjutor with him in the Felony of which he is accused) this is Felony in the Gaoler, although the Appellee be acquitted, or happen to die before he be arrested upon the Appeal, *Stamf. 36. 14 E. 3. cap. 10.*

If any person find any Hawk that is lost, and doth not immediately bring the same to the Sheriff of the same County to be proclaimed, &c. but doth imbezel and carry away the Hawk, it is Felony, 27 *Ed. 3.* 19.

If any person hunt any Deer or Conies in any Park, Forest or Warren unlawfully in the Night time, with Vizards or other Disguises, and upon Examination by a Justice of Peace, conceal the Offence, or any Offender therein, 'tis Felony in such Concealers; but if the Offender

der upon his Examination confess the whole matter, then he is but finable, 1 *H. 7. c. 7. Lamb. 271. Dyer 50.*

To take any tame Beast, or other thing in a Park, by manner of Robbery, it is Felony, 3 *Ed. 1. c. 20.*

If any married person shall marry a second Husband or Wife, the first being alive, &c. 'tis Felony, except the Husband and Wife be absent seven years, and the one not knowing the other to be living within that time; except also persons divorced by Sentence in the Ecclesiastical Court, and likewise persons marrying within the Age of Consent, 1 *Jac. c. 11.*

Multiplication of Gold or Silver, or to practise that Art, is Felony, 5 *H. 4. 4. Vide Dyer 18. Plowd. 105.* This Act is repealed by 1 *W. & M. c. 30.*

If any person infected with the Plague be commanded by an Officer to keep his House, shall notwithstanding go abroad and converse in company, having an infectious sore upon him, 'tis Felony, 1 *Jac. 31. §. 7.*

Wilful poisoning of any person is wilful Murder in the Offenders, Aiders, Abettors, Procurers and Counsellors, but the Party so poisoned must die thereof within a year and a day after the Poison received, 1 *Ed. 6. c. 12. §. 10. Co. Lib. 11. 31.*

To receive, relieve, aid or maintain any Popish Recusants, it is Felony, 27 *Eliz. c. 2. §. 4.*

'Tis Felony without Benefit of Clergy for any Popish Recusant, or such other Recusants or Sectary (which by the Statute 35 *Eliz. 1 and 2*) are to abjure, if they refuse to abjure, or after Abjuration do not depart the Realm, according as they shall be appointed, or after such departure, shall return again without the Queen's special Licence, in that behalf first obtained.

The Rebellious or unlawful Assembly of any persons to the number of twelve or above, &c. their Procurers or Relievers, it is Felony in them all, 1 *Mar. cap. 12. Expired.*

It is Felony for any Rogues, being adjudged incorrigible and dangerous by the Justices of the Peace of the Sessions, and by them banished the Realm, to return again without Licence, 39 *Eliz. c. 4.* Rogues adjudged incorrigible or dangerous, being adjudged by the Justices in open Sessions, and branded in the left Shoulder with the Letter R. shall after such Punishment offend again in begging or wandring contrary to the Statutes 39 *Eliz. c. 4. 1 Jac. c. 7.* 'tis Felony.

'Tis Felony without Benefit of Clergy to rob in the day time any Dwelling-House, or any Out-House belonging or used, to or with the same; if the thing so robbed be of the value of 5 s. or above, although no person be therein, or to rob any House by day or night any person being therein, and thereby put in fear; or to rob any person in any part of his dwelling Place or House, the Owner or Dweller, his Wife, Children or Servants, being therein; or in any place within the Precinct of the same Dwelling House, or to rob any Booth, or Tent, in any Fair or Market, the Owner, his Wife, Children, or any Servant being there within the same, 39 Eliz. 15. 11 Co. 36.

If any Soldier that is a Subject, shall pass out of this Realm to serve any Foreign Prince, &c. not having before his passing taken the Oath of Allegiance, &c. before the Officer thereunto appointed, 'tis Felony.

If any Gentlemen, &c. or person of higher Degree, or any Captain or any Officer in Camp, shall pass out of this Realm to serve any Foreign Prince, &c. or shall voluntarily serve any Foreign Prince, &c. before they shall become bound to the Queen's Majesty with two Sureties (before the Officer thereto appointed) with Condition to this Effect, *viz. Not to be reconciled to the Pope, nor to make or consent to any Conspiracy against the King, &c. but disclose all Conspiracies upon knowledge thereof, &c.* 'tis Felony, 3 Jac. c. 4. §. 18, 19.

If any Soldier who is retained, or hath taken any Press Money shall depart out of the Queen's Service without Licence, 'tis Felony, 7 H. 7. 1. 3 H. 8. 5. Co. 6 Rep. 27.

'Tis Felony without Benefit of Clergy for any Soldier to depart without Licence after they have served in the Queens Wars, and none but the Lieutenant shall give such Soldiers Licence to depart, 2 Ed. 6. c. 2. 6 Co. 27. See 4 & 5 Ph. & M. cap. 3.

Soldiers and Mariners, and such as wander about under that notion, which shall not settle themselves to some lawful course of Life, but wander about idly, or beg, 'tis Felony without Benefit of Clergy, 39 Eliz. 17.

So if any such Soldier or Mariner coming from Sea, shall not have a lawful Testimonial under the Hand of one Justice nigh the place of his Landing, certifying the place and time of his Landing, and place to which he is to go, and time for his Passage, *Ibid.*

Or if he have such Certificate, in case he exceed the time limited above fourteen Days, or if he forge a Testimonial, or make use of one forged, knowing the same, *Ibid.*

Or if he be retained in a Service after his arrival, and depart there-from within a Year, without leave of his Master, in all these Cases it is Felony without benefit of Clergy.

Justices may determine the Offences of Soldiers, &c. and also concerning any other idle Wanderers; but if any subsidy Man or honest Freeholder, will take any such Person into Service, the Justice must allow of it, so as he be bound for a Year, and that such Master be bound in a Recognizance of 10 l. to keep him out his time, and then to bring him to the next Session. If he depart before the Year, he shall be judged as a Felon and be debarred of his Clergy, *Ibid.*

Soldiers and Mariners begging or counterfeiting a Certificate from their Captain, shall be punished as Rogues by Statute, 43 *Eliz.* 3.

Sending any live Sheep out of the Queen's Dominions, the second Offence is Felony, 8 *Eliz.* 3.

To ravish a Woman, which consenteth not before, nor after, or to ravish any Woman by force, although she consent after, it is Felony without benefit of Clergy, 18 *Eliz. cap.* 7. 13 *Ed. 1. cap.* 34.

If a Woman at the time of the supposed Rape conceive with Child by the Ravisher, this is no Rape, *statf.* 24.

It is a good Plea in Rape, to say, that before the supposed Ravishment, that she was his Concubine, *Ibid.*

To take any Maid, Widow or Wife (having Lands or Goods or being an Heir Apparent) against their Will 'tis Felony, and to receive any such Man knowing thereof, and to abet the same, it is Felony, and such shall be reputed principals, and lose the benefit of their Clergy, 39 *Eliz. cap.* 9. 3 *H. 7.* 2.

To know carnally any Woman Child under the Age of nine Years, it is Felony without benefit of Clergy, 18 *Eliz.* 7.

To take a Man's Wife with her Husbands Goods, whether it be against her Will or her Husband's, it is Felony by *West.* 2. *cap.* 34.

If any Woman be delivered of a Bastard Child which is found dead, and she endeavour by any manner of way

to conceal the same, this is Murder except the prove that it was born dead, 21 *Jac.* 27.

If any Person in the Night shall wilfully burn or cause to be burnt, or destroyed any Rick, or Stack of Corn, Hay or Grain, Barns or other Out-houses, or Buildings, or destroy or kill any Horses or Sheep, it is Felony, 22 & 23 *Car.* 2. *cap.* 7.

But if any one convict upon this Statute shall chuse to be transported, the Judgment shall be entred accordingly, and that he remain transported for seven Years, and the Sheriff shall imbarck him; if he return within his time, he shall die as a Felon, *Ibid.*

If any one in the Night time shall maliciously wound any Horses, Sheep or Cattle, or destroy any Plantations of young Trees, or throw down any Inclosures, he shall forfeit treble damages to the party grieved, to be recovered by an Action of Trespafs or Case, 22 & 23 *Car.* 2. *cap.* 7. §. 3.

Upon Complaint any three Justices (*Quorum unus*) may enquire by the Oath of twelve Men, or by Witnesses or otherwise fitting, touching Offenders against this Statute, and may call such Persons as are like to make discovery, and examine them upon Oath, issue Warrant for summoning a Jury, and apprehend the Offenders, and try the Matter. No Person so examined shall be proceeded against for such Matters as he shall discover. And if any Person shall refuse to appear to be examined, or to make discovery, he shall be committed without Bail till he submit thereto, *Ibid.*

None shall be punished by this Act who hath been punished by another Statute for the same Offence, nor be proceeded against but within six Months after the Fact, *Ibid.*

If any export, &c. out of *England* or *Ireland* into other Kingdoms any Sheep, Wooll, Woolfels, Mortlings, Shorelings, Yarn, Wooll-flocks, or Fullers-Earth, or Load, or lay on Board the same in any Vessel with intent to transport it, 'tis Felony, 14 *Car.* 2. *cap.* 18.

But note, That so much of this Act of the 14th of *Car.* 2. as relates to the making the Exportation of Wooll Felony, is repeal'd by 7 & 8 *W.* 3. *cap.* 28. And other Forfeitures and Penalties appointed, for which see the Act.

Every Owner of Ship, Horse or Carriage on which the same shall be landed to be exported, and every Mariner of such Ship, and every Servant Customer, &c.

consent.

consenting thereto, shall be a Felon, 14 *Car. 2. cap. 18.*

No Person shall be impeached for these Felonies, unless he be indicted within one Year after the Fact committed, *Ibid.*

If the Owner, Master or any Mariner of the Ship, shall within three Months after knowledge thereof, or return into *England* or *Ireland*, give the first Information *bona fide* to the Barons of either Kingdom, or Head Officer of the Port he arrives at, upon Oath, and what the Goods were, by whom, where, and in what Vessel, and be ready upon Process to justify the same, he shall be excused of Felony, but be liable to other Forfeitures, *Ibid.*

Persons convicted of stealing privately and feloniously any Goods or Wares of the value of 5 s. in any Shop, Warehouse, Coach-house or Stable, though such Shop, &c. be not actually broke by such Offender, and though no Person be in the same, and such as assist, hire, or command in committing such Offence shall be excluded from the benefit of the Clergy, 10, 11 *W. 3. 23.* Persons convicted of Theft or Larceny, shall have the benefit of Clergy, and instead of being burnt in the Hand, shall with the usual mark be burnt in the most visible part of the left Cheek nearest the Nose, in open Court in presence of the Judge, *Ibid.*

Any Captain, Master or Mariner, belonging to any Ship, who shall wilfully cast away, burn or destroy the Ship to which he belongs, shall suffer death as a Felon. And such Offences committed on the High Seas where the Admiral has Jurisdiction, shall be tried in such manner as is directed by the Statute of 28 *H. 8. cap. 15.* For the Tryal of Pyrates, 1 *Ann. Sess. 2. cap. 9.*

Besides these Felonies by Statute Law several other Felonies there are by Common Law, As,

The burning of a Dwelling-House or Out-House thereunto adjoining, whether the same be done by Night or by Day, *Bro. Coron. 135, 155, 226. Hales P.C. 85, 86.*

So to burn a Barn in the Day time having Corn in it, though it doth not adjoin to a Dwelling-House, *Ibid.*

So likewise as it seemeth the Law is for burning of Stacks of Corn, *Ibid.*

If a Man burn his own House willingly; *Quare*, whether this be Felony, *Ibid.*

Rescuing a Prisoner arrested for Felony, is Felony, in the Rescuffor, as well in the Party himself as in others, *Bro. Coron.* 127, 130.

If a Man be arrested for Felony and he that hath arrested him letteth him go at large, this is a wilful Escape in him and Felony. See the Statute *de frangentibus Prisonam*, 1 Ed. 2. *Hales P. C.* 112, 114.

Such Persons as shall buy or receive any Goods or Chattels that shall be feloniously taken or stoln from any others, knowing the same to be stoln, he or they shall be deemed an Accessory or Accessories to such Felony after the Fact, and shall incur the same punishment as an Accessory to the Felony after the Felony committed, 3 & 4 *W. & M. cap.* 9. See *Tit. Lodgers*.

Its Felony to steal Pidgeons out of a Dove-Coat, *Stamf.* 25. b. *Hales P. C.* 63.

If a Shepherd steal Sheep its Felony, *Owen* 52.

By the Conviction of a Felony his Goods are forfeited, 12 Co. 121. Felony to steal a Winding Sheet, 12 Co. 113.

Observe these Rules concerning Felonies.

If a Felony be committed in the Reign of one King, the Party may be arraigned for it in the Reign of another King, *Bro. Coron.* 178.

If a Felony be committed in one County, and the Offender be taken in another, and brought before a Justice, he shall be imprisoned there, from whence he shall be removed by the King's Writ unto the Gaol of the County, where the Felony was committed, and the Witnesses shall be bound to prosecute in the same County, 13 Ed. 4. 9. *Bro. Fresh Suit* 3.

If Goods be stoln in one County, and carried by the Thief into another, it is Felony in every County, where they are so carried, and may be indicted accordingly, 7 Co. 2. *Bulwer's Case*.

If a Man steal Goods, and then another stealeth them from him, the Owner may charge either of them with the Felony. 13 Ed. 4. 3. 4 *H.* 7. 5.

If a Man deliver Cloth to a Taylor to make a Garment, and it be stoln from him, the Offender may be charged for the same either at the Owners or Taylors Suit, *Gro.* 70.

The King's Officer may break open any Mans House to apprehend any Felon, or any Person that is suspected of Felony, being in the said House.

If the Sheriff or Bailiff, &c. having a Warrant to arrest for Felony, kill the Offender, who will not obey or suffer himself to be arrested, 'tis not Felony in the Officer.

So a Person that pursues by Hue and Cry, or otherwise, has Authority to arrest a Felon that flies.

If a Felon break from those who are leading him to gaol, if they cannot otherwise take him, he may be killed, for their Authority excuses them, See *Co. Pl. r. 221*.

If one cut and carry away Corn at the same time, 'tis not Felony; but if he cut it and lay it by, and carry it away afterwards, 'tis Felony, *Mod. Rep. 89*.

See the several sorts of Felonies or their respective Titles.

Vide Infra in the Presidents, Numb. 135.

Fifth.

Every Justice is a Conservator of Rivers, and of the Statutes relating to them, See *13 Ed. 1. cap. 47. 3 R. 2. cap. 19. 17 R. 2. cap. 9.* and may swear all Under-Conservators.

He ought to burn Nets or Engins put into the Water to destroy the Fry of Fish; and for the second Offence Imprison the Offender for a Quarter of a Year; for the third Offence, for a whole Year; and as Offences increase, increase their punishment, *ibid.*

By Warrant of one Justice, the Constable, &c. may levy the Forfeitures of Offenders in destroying the spawn of Fish, *3 Jac. cap. 12.*

No Person within five Miles of the Mouth of any Haven shall Fish with any Drag-Net, under three Inches mesh, except for taking of Herrings, Pilchards and Sprats, or Salmons, in *Norfolk* only, *ibid.*

No Person in any Harbour, &c. shall Fish with any Net made with Canvass, or other device, whereby the spawn may be destroyed, for the Offence hereof the Nets and 10 s. in Monies shall be forfeited to the Poor, and

and to him that will sue, to be levied by the Major and by Warrant from one Justice, *Ibid.*

Such as shall take Fish by unlawful Means or devices in any River, Stew, Pond or Mote or other Water without the consent of the Lord or Owner of the Water, and be convicted by Confession or Oath of one Witness before one Justice, shall pay for such Damages as the same Justice shall think fit, not exceeding treble, and to pay to the Overseers for the Poor such Sum as the Justice shall think fit, not exceeding 10 s. and in default to be levied by Distress and Sale of Goods, and for want thereof to be committed for such time, not exceeding one Month, as the Justice shall think fit, unless he give Surety to the Parties injured not exceeding 10 l. never to offend in the like manner. 22 & 23 Car. 2. cap. 25. §. 7.

Such as shall take Fish unlawfully in the River of Severn shall forfeit 5 l. and the Fish and Instruments; if he destroys the Spawn, forfeit 40 s. and the Instruments. The Justices of Peace of Worcester, Salop and Gloucester are Conservators of the said River, one or two of them may issue Warrants to search suspected Houses for unlawful Instruments, the Offenders to be punished by Information or Indictment at the General Sessions of the Peace, one Moiety to the use of the Poor of the Parish, the other to the Prosecutor, 30 Car. 2. cap. 9.

Any Person may seize any Ling, or Herring taken by any Foreigner and imported, one moiety to himself, the other to the Poor, 18 Car. 2. cap. 2. 32 Car. 2. cap. 2.

An Act was past 4 & 5 Ann. cap. 21. For the increase and better preservation of Salmon and other Fish, in the Rivers within the Counties of Southampton and Wilts but that Statute by express Words, does not extend to any other County or Place in this Kingdom.

Forceable Entry.

ANY Justice, on notice of a Forceable Entry into, or holding or detaining of any Possession (at the charge of the Party grieved) shall make due Execution of the Statutes in manner following.

1. He shall go to the place, and if need be, the Sheriff with him to arrest the Offender, and remove the force, and such as refuse to assist, shall be imprisoned and fined, 15 R. 2. cap. 2. *What is to be done by Justices of the Peace*

2. He shall take away the Arms and Weapons of such Persons, and prise them to the King as forfeited, and if the Offender make resistance in keeping his Entry, may break open the House; if no resistance or shew of Force the Justice cannot arrest him. *about force-able Entries.*

3. He may record the Force, and this upon his own view, which shall be a sufficient Conviction not to be traversed; the Record hereof the Justice can keep by him or make it indented, and certifie one part to the Queen's Bench, or leave it with the Clerk of the Peace.

4. He must commit immediately such Persons as he sees continuing the Force, until they pay a Fine to the Queen, or give Security for the same.

5. The Justice which shall see the Force is the proper Judge of this Offence, and may assess the Fine, which must be severall and not joint, which must be estimated, and sent into the Exchequer, whereupon or upon payment of the same, or Surety for the same by Recognizance, the Offenders are to be delivered. It is held that the Justice may record the Force, commit the Offender, and certifie the Record to the Assizes or General Sessions, that the Fine may be there set, as some are of Opinion, or else that he may certifie and deliver the Record into the Queen's Bench, which is the safest Course.

6. Also the Justice (notwithstanding his own view) ought to inquire by a Jury. in some Town near by at the cost of the Party grieved, as well of the forceable Entry as Detainer, 8 H. 6. cap. 9. Dalton. cap. 27.

Note, This Enquiry must be made whether the Offenders be gone, or continuing at the coming of the Justice, for without it there can be no Restitution, and it ought to be done presently, Crompt. 124.

If

If the Sheriff shall not duly execute the Precept of the Justice to return a Jury, he forfeit 20 *l.* and the Justice may determine such defaults, 8 *H. 6. cap. 9.*

7. If a forceable Entry, &c. be found by the Oath of the Enquirers, the Justice shall reseise the Lands, and put the Party into Possession, but then both the putting and holding out must be found.

The Justice may either restore the Party himself by his Warrant to the Sheriff, or certifie the Indictment, and leave the Restitution to the *Queen's Bench*; but the Justice of Assize, or of the Peace at their Sessions, cannot make Restitution, except the Indictment be found before themselves.

Mayors of Cities and Boroughs in their Franchises have the same Authority as the Justices have in their County at large, 8 *H. 6. cap. 9. §. 6.*

At Common Law one might enter into, and detain with force any Lands or Tenements, where his Entry was lawful.

It is enacted by the Statute of 5 *R. 2. cap. 7.* that no Man shall enter into any Lands, &c. with Force or Multitude though he had a Right or Title of Entry otherwise than in peaceable and lawful manner.

The aforesaid Statute extending not to a forceable Detainer, or authorizing the Justices of the Peace to punish the Transgressors of it, but by Indictment at their Sessions. It was provided by another made 15 *R. 2. cap. 2.* That if any Man detain, or held with force after such forceable Entry, upon complaint thereof to a Justice of Peace, he shall presently take the Power of the County, and come and view the same, and by his View and Record of the Force shall Convict and Imprison the Offenders until they make Fine to the Queen.

But because the said first Statute made no Provision against such as enter peaceably, and after detain with Force, nor had the Justice any Power to punish, &c. but upon View of the Force, and if the Offenders were departed before his coming, he could not meddle with them, now by the two said Statutes and another made 8 *H. 6. cap. 9.* a compleat and full remedy is provided.

1. Against such as enter peaceably and hold forceably.
2. Such as enter with Force and then hold peaceably.
3. Such as enter forceably and hold forceably.

If any one or more persons come weaponed (especially with Weapons not usually born) to a House or Lands, and shall violently enter thereinto, this forceable Entry within these Statutes; so having entred peaceably into a House, &c. shall forceably put another out of his Possession, *Lamb. 145.* *What is a forceable Entry by the Statutes.*

So if after a peaceable Entry he shall use any apparent, violent threatening, &c. to the intent to get him out of Possession, this is a forceable Entry though the Possession is not quitted by him that held it.

If divers persons come with Weapons (not usually born by them) to an House that is open, &c. and enter peaceably without any resistance, yet this is a forceable Entry, for it shall be intended that they would have used force, if they had been resisted, *Lamb. 146.*

So if the Master enter with more than the usual number of Servants that wait upon him

An Entry made with force, though it be but to cut or take away another man's Corn, &c. or to fell and crop Wood, &c. this seems to be a forceable Entry, though the Party be not put out of possession. *Vide Lamb. 145. Alt. c. 89.*

But if the Entry be peaceable, and after with any force or apparent violence, take away Corn, &c. cut or fell Wood, &c. it seems these Acts are not punishable by the Justices, by virtue of the said Statutes, *Lamb. 145.*

To distrain with force for a Rent (though it be due) amounts to a forceable Entry, *Lamb. 147. Bro. Force 1.*

Note, A forceable Entry cannot be without an actual Entry, *Bro. Force 25.*

Note, Also it is no forceable Entry for him that hath a right of Entry to go over the Land (though with divers in his Company, and with Weapons) to Church, Market, &c. if he do not express his intent, if he enters claiming the Land.

If one enter with force into, &c. though no actual Possession be obtained, yet it is a forceable Entry punishable by the Justice; but there is no Restitution to be made where not a forceable putting out, or holding out of Possession and found by a Jury.

If one whose Entry is lawful by fair means, shall persuade him that is in possession to quit the House and shut the door, this is justifiable. if he doth not afterwards hold with force, *Dalt. cap. 89.*

If I shall take a man being out of his House, and send my Servants to take possession in a peaceable manner and I detain him by imprisoning his Body, this is no a forceable Entry, but a false imprisoning, punishable by Law. *Lamb.* 149.

*Forceable
Detainer,
what.*

A forceable detainer is a violent Act of Resistance by armed Men, &c. whereby the lawful Entry of the Justice or any other is thereby hindred.

Note, This forceable Detainer must be intended of the possession of Lands and Tenements, and not of the person of a Man.

If possession be obtained by a lawful and peaceable Entry, it cannot be said to be detained with force if he continue peaceably for three years, and then he may keep it against all persons, but the King's Officers, 8 H. 6. c. 9. §. 7.

If a Justice comes to an House where the force is suspected to be, and find the Doors and Gates shut, and the Party which is within deny him Entrance, this is a Detainer with force though he see no person or Arms, &c. and though there be but one person in the House, &c. *Lamb.* 148.

If persons in Harnes, or otherwise armed, or having Harnes, &c. lying ready by them, or any greater number of People than the ordinary Family be in the House or after peaceable Entry more Weapons, &c. (than he or his Family do usually bear) be brought into the House or make use of such Weapons as (for the defence of the Possession) they find there, or if he order men with Weapons, &c. to lie in readiness in a place not far distant, or forestall the Way of the Disseisee with Force and Arms, so that he cannot enter; or keep Cattle with force in another man's Ground, claiming Common where he hath none at all; these Acts the Justice upon View ought to adjudge to be a forceable Detainer, *Dalb.* cap. 89.

If *A.* enters upon *B.* wrongfully, though peaceably and put him out of Possession, if *B.* comes with an intention to enter, and *A.* threatens to kill him, if he does this is a forceable Detainer, tho' only by words. But if *A.* desires *A.* to open the Door to him, and he denies, this is no forceable Detainer.

If *A.* be Tenant at the will of *B.* and *B.* enters and commands *A.* to quit the Possession, and he denies it, this is no forceable Detainer, unless some Act of violence be used to maintain the Possession.

If a Disseisor make a Gift in Tail to B. who after a claim made by the Disseisee continues the Possession with force, this amounts to a forceable Detainer.

Note, When ever a mans Entry is lawful, and the Possession be detained with force from him, the Party may pay the aid of a Justice to remove the Force,

Note, Also one person alone may commit a forceable Entry or Detainer, *Co. Lit. f. 257.*

It seems an Infant above the Age of fourteen Years may commit a forceable Entry or Detainer; and so may a feme Covert, and she may be imprisoned and fined.

It seems a Command, Consent or Agreement, &c. without an actual Entry, or being present when the Fact is committed, is not within these Statutes, *Dalt. c. 89.*

If divers come in Company to enter into any Lands, &c. and if but one of them commit a Force, they are all guilty, *Co. Lit. 257. b.*

A forceable Entry may be made upon a Lessee for Years, or Will, or Copy-hold, either by a Stranger, or lessor himself; And by the Statute 21 *Jac. cap. 15.* any Justice of Peace is impowered to make Restitution to Tenants for Years, Copyholders, Tenants by *Elegit*, Statute Staple or Merchant, that are held out by force.

It is lawful Force that is used for the Apprehension of Traytors, Felons, &c. So likewise of any Officer that exerciseth the Queen's Writ, force is lawful in the removing of forceable Entry or Detainer, or repressing of riots; The Justice, Sheriff, Coroner, Constable may lawfully apprehend and carry to Prison such as break and disturb the Peace in their presence; in all these Cases the Officer may command others to assist, and what number he pleases, *Dalt. c. 90.*

It is lawful for any of the Queen's Officers (in these following Cases) to break open an House to apprehend an Offender therein.

1. For Treason, Felony or Suspicion of either, *Co. 5. b.*
2. If one dangerously wound another, the Officer upon a fresh Suit may break open a Door to apprehend, so may any other person, as seems.
3. If an Affray be in an House the Constable, &c. may break open the Door to keep the Peace.
4. So upon a forceable Entry or Detainer found byquisition, and viewed by the Statutes.

5. To apprehend a Man by a *Capias Utlagatum*, or a *Capias pro fine*, upon any Process or Warrant for taking any Popish Recusants being excommunicated, or upon Warrant of the Peace or Good Behaviour, by the Opinion of *Popham* and *Clerk*, Justices at *Cambridge Assize* 3 *Jac. Dalt. c. 90.*

Lastly, In all Cases where the King is Party, or hath any Interest in the Business, for no man's House shall be a Castle against the King, 5 *Co. f. 91. b.*

But the House cannot be broken open to execute any Process (at the Suit of a Subject) either upon the Person or Goods of any Man.

Upon a Recovery in a real Action, or by *Ejectione Firme*, the Sheriff may break open an House to deliver Seisin thereof.

Note, That the Officer before he breaks open an House or Door, must signify the cause of his coming, and upon Request, &c. and after a Refusal he may justify the breaking open of it.

The Law hath given to Dwelling Houses several Privileges.

1. That it is a man's Castle for his defence.
2. It protects the Owner against any Arrest by virtue of a Process at the Suit of the Subject.
3. No Salt-Peter can be digged in any Man's House, but by his own consent, *Co 11. Rep. 82.*
4. If Thieves come to my House, either to rob or murder me, I may lawfully assemble Company to defend it by force, and if any of the Thieves be killed, it is no Felony.
5. If one be in peaceable possession of an House, and suspecting another (who hath a better Right to the Possession, and whose Entry is lawful) will enter upon him, he that is in possession may justify the defending of it with his ordinary Company, and likewise beat the other who attempts to enter, but if he be killed 'tis Felony.

If a Man being in his own House, is informed that another will come thither to beat him, he may lawfully assemble his Neighbours and Friends to aid and assist him there in defence of his Person.

If a Man be threatned, that if he come to such a place, he will beat him, in this Case he cannot justify his going thither accompanied with his Neighbours and Friends for the defence of his person.

Any person, or his Ancestors, or he whose Estate he hath, continuing in peaceable possession for the space of three years, may afterwards justify the detaining of it with force: This extends to every Heir, or Feoffee, where the Ancestors or Feoffor hath been so long possessed, 2 H. 6. c. 9. §. 7. Lawful Detainer.

This is to be intended of a lawful Estate or Possession peaceably continued for three years without any interruption, and such a Possessor may hire Strangers, and have men in Armour to assist him; but he cannot resist the Justice when he comes to view this.

Three years possession may be pleaded to an Indictment of Force found by the Jury, and by such Plea he shall avoid both the Fine and the Imprisonment, and also prevent Restitution, *Dalt. c. 91.*

One that enters forceably, and continues the Possession peaceably, and without interruption for the space of three years, it seems he cannot justify the detaining it by force; so also a Possession obtained peaceably, and after continued with force for three years.

If a Disseisor, &c. continue possession peaceably three years, yet he cannot hold it with force.

If any person be lawfully and peaceably possessed for three years and above, and is disseised, the Disseisee re-enters, now he cannot defend it with force, for that his possession was uninterrupted.

If the possessor of any Land, &c. for the space of twenty years be removed out of Possession, he cannot re-enter with force.

First, The Party grieved, being seised of a Freehold may have an Assize or Action of Trespas of forceably Entry upon the Statute of 8 H. 6. and thereby recover treble Damages, and treble Costs of Suit, and shall have Writ of Restitution thereupon, *Dalt. c. 92.* Remedies for a person entered upon forceably.

No Action upon the Statute lies but where the Entry of the Party is not lawful; but if a Disseisee enter upon the Disseisor with force, this is punishable by Indictment, and the Disseisor may be restored to his Possession.

The Party grieved, &c. waving the Benefit of his treble Damages and Costs may be several ways relieved by the Justices of Peace.

1. He may purchase a Writ out of Chancery directed to the Sheriff, or to the Sheriff and Justices of the Peace or to remove the Force, and this is upon the Statute of Northampton, 2 Ed. 3. c. 3. The Justices by virtue of this Writ may only remove the force, but cannot restore the Party

Party to the Possession, or he may prefer a Bill of Indictment at the General Sessions, of the Possession which being found by the Jury, the Justices may award Restitution.

Or a Justice of the Peace upon Complaint made, ought *ex officio*, to go to the place, view the force, and remove and after keep a Special Sessions to enquire of the said force, and upon such Enquiry to restore the Party to his possession, and no other Justice can grant a *Superfedens* to the same Restitution.

The party grieved may by *Certiorari* remove the Indictment found either at the General or Special Session into the Queens-Bench, where a Writ of Restitution may be granted.

Jurors returned to enquire of this force, must have 40 s. Freehold *per Annum*; and if they appear not at the first day, the Justice may award an *alias & pluries ad infinitum*, but upon the day of the second Precept, the Sheriff must return 40 s. Issues upon every of them; and at the third day 5 l. and so upon every day after double 8 H. 6. c. 9.

The Enquest is good for the Queen tho' some of the Jurors have not 40 s. Freehold *per annum*; but *Quere* whether the Party grieved shall have Restitution upon such Indictment; likewise the Enquiry is good though the Sheriff do not return full Issues upon the Juror; and so it is if the Justice goes not to view the place where the force is, *Lamb. 155.*

Of Resti-
tution.

If it appear to the Justices of Peace that the Indictment of the force, &c. taken before them be insufficient in Law either in matter or form, they ought not to award Restitution thereupon; as, the putting out (by express Words must be in the Indictment, for without an Expulsion there need no Restitution, and this putting out must be only of Houses or Lands, and not of any Rent, Common, &c. whereinto an actual Entry cannot be made. 2. The Indictment must express the Quality of the thing entred upon, *sc.* whether it be Messuage, Cottage, Meadow, Pasture, Wood or arable Land; for if it be general of an Entry into Tenements, it is void for the uncertainty. 3. The Indictment must have these Words, *And yet hold out*, otherwise it shall be intended that either the Disseisor hath quitted the Possession, or that the Disseisor hath re-entred. 4. One of the two Words, with *Strong Hands* or with *Multitude*, seems to be material in the Indictment unless they be supplied by reciting the Statute of

of 8 H. 6. and concluding against the Form of the Statute, or by some other Words in the Indictment, *Dalt. cap. 93.*

If a Man be restored upon an insufficient Indictment, which is removed into the *Queen's Bench*, the Court there may cause the party to be restored that before was put out by the Justice of Peace: So two Justices of the Peace that were present at the finding of the Force, may supersede a Writ of Restitution grounded upon an insufficient Indictment, and if it were found at the Quarter Sessions, the *Supersedeas* shall be granted under the *Teste* of one of these Justices only, that were there present at the finding of the force, *Dyer 187.*

An Indictment that he entred and detained with force, is traversed, and found that he entred with force, but not held with force is good, and Restitution shall be awarded; and if upon a Traverse it is found that one entred with force, and the other detained with force, yet the Party shall be restored, *Ero. Force 15.*

If it be found by one Inquest that *A.* put out *B.* with force, and it is found by another Inquest that *B.* disseised *A.* with force; now either party may pray Execution against the other; but he that first obtained it may be put out by virtue of the second Writ of Restitution, *Ibid. 6.*

If at one Sessions it be found by two several Indictments that *I* am put out with force by *A.* and *B.* it is at my Election upon which of these Indictments to be restored; if *I* have Restitution upon the one, *I* cannot have Restitution upon the other too. If the Sheriff doth not return upon the first, that *I* was restored, then *I* may sue out the other. *Crompt. 166.*

A. is disseised with force by *B.* and after *B.* is put out by *C.* and all this is found by one Inquisition, *B.* may have Restitution against *C.* (for *B.* hath more right to the Possession than *C.*) and then may *A.* have Restitution against *B.* But if upon this Inquisition *A.* have Restitution first, then *B.* shall not have Restitution, otherwise if it had been found by several Inquisitions.

The Justice of Peace before whom the force is found, *Who shall* may himself put the Party in possession, or he may make award Restitution. His Precept under his own *Teste* alone to the Sheriff so to *stitution.* *Dyer 187.* No other Justice of Peace, but he or they before whom the force was found, can award Restitution.

The Justice of Gaol-delivery or of Oyer and Terminer, or Justices of the Peace at their General Sessions cannot grant Restitution unless the Indictment was taken before them.

But if the Justice before whom such Inquisition was found, die before Restitution made, or before it be removed, by some Opinions the rest of the Justices at their General Sessions may grant a Writ of Restitution. But the Court of *Queen's-Bench*, either upon Certificate or Removal upon *Certiorari*, or a delivery thereof in Person by the Justice before whom such Indictment was taken, may award Restitution; but neither the *Queen's-Bench*, nor any other (besides him who made the Enquiry) can personally restore, but only by Precept to the Sheriff, *Dalt. cap. 94.*

Note, The same Justice before whom the Force was found, and having granted a Writ of Restitution, may after stay it by *Supersedeas* to the Sheriff, and no other Justice besides can do it.

And to whom.

If the Father be put out and dyeth, his Heir shall not have Restitution, *Dalt. c. 95.*

A Disseisor shall be restored, for the Title is not material, but the Form.

Disseisee enters peaceably into a void Possession, Disseisor being abroad; in this Case, tho' the Disseisee keep it with force, yet the Disseisor shall not be restored.

Any person of his Family in a House, preserves the Possession, but not his Cattle being upon the Ground.

Where two are in Possession, the Law will adjudge the Possession in him that hath the Right.

Two Joint Tenants or Tenants in Common, and one puts out the other forceably, he may have Trespass upon *8 H. 6. c. 9.*

Neither the Heir nor the Executor shall have Restitution upon the death of the Ancestor or Testator, for it must be the same person, and not his Representative.

A particular Tenant, as a Copyholder, Tenant for years, &c. shall be restored, tho' the Tenant of the Freehold wave or oppose it, *Sir A. Nowel's Case, Telu. 81.*

The Statute *21 Jac. c. 15.* is to be taken strictly and not by Equity, and an Indictment upon it for a Copyholder, omitting *per Copiam Rotulorum Curie*, was quashed, *Latch 182.*

Where a Justice can not grant Restitution.

A Party indicted for a Force shall not give his Title in Evidence to excuse it, but may disprove the Plaintiffs Title to hinder Restitution, *Bro. Force 11.*

And to the same end he may plead these Matters following. 1. His quiet Possession for three years together. 2. He may deliver to the Justice a *Certiorari*, which will be to them a *Supersedeas*, *21 Jac. c. 8.* 3. He may tender his Traverse.

Part I. Forceable Entry.

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Traverse. 4. May plead the Insufficiency of the Indictment. 5. The Insufficiency of the Jurors, not having 40 s. per annum Freehold, *Dalt. cap. 96.*

'Tis enacted by 21 Jac. cap. 8. that all Writs of *Certiorari* be delivered at the Quarter Sessions in open Court, and not to be allowed unless the Party indicted become bound to the Prosecutors in a Bond of 10 l. upon Condition to pay to the Prosecutors such Costs and Damages (within one Month after the Conviction of the Party indicted) as shall be assessed by the said Justices in their Sessions.

Restitution ordinarily is granted above in these Cases,

1. If the Indictment removed be for Matter in the Body of it, or exception quashed.

2. If a *Certiorari* hath issued, which hath not been allowed or the Proceedings not staid thereby.

3. If an indirect course have been used to avoid the Effects of the *Certiorari*.

4. If the Justices below misbehave themselves, not allowing the Plea of three Years possession.

Note, Oftentimes Restitution is denied, where the Party in Possession offers to appear and try the Right.

A Certificate of a Justice of the Peace in case of a Forceable Entry ought to be certain, 2 Roll Rep. 39.

The Justice of Peace may take the *Posse* to remove a Force, *Moor 656. 15 R. 2. cap. 2.*

Putting back of a Bolt is Force; and entering into an empty House with armed Men is a Force, *Moor 656.*

Upon view of a Force Justices of Peace are Judges, and may set a Fine; and if there be Error, a Writ of Error may be brought, *Stil. 300, 303.*

Its in the Election of the Justice of Peace to set a Fine upon the Party, and refuse the Party to his Traverse upon view of the Force, *Stile 360.*

An Indictment void for want of *tunc*, though it was *existens liberum tenementum*, *Latch 109.*

If no Addition to an Indictment of forceable Entry, its void, *Ibid.*

Its not necessary that the next Justice of Peace should remove a Force, but all the Justices of Peace of the County are bound to do it, *Stil. 246.*

If a *Certiorari* be brought to remove an Indictment of forceable Entry against several, some put in Bail for the damage, good, *Stil 360, 361.*

Forfeitures.

THE Punishment of every Person attainted of Felony is four-fold. *Co. 4 Rep. 124. Co. Lit. f. 41.*

1. He shall lose his life by being hanged between Heaven and Earth, as unworthy of both.

2. He shall lose his Blood both in regard of his Ancestry and Posterity.

3. He shall forfeit his Fee-simple Lands from the time of the Offence, and the King shall have the profits of them for a Year and a Day from the time of the Attainder, and then it shall escheat to the immediate Lord of the Fee.

4. The Offender shall forfeit all his Goods and Chattels, from the time of the Conviction, *viz.* Corn growing, Profits of all his Lands during his Life, all Debt due to him upon Statute, &c. Simple Contract, and upon Account; and yet the King shall not pay such Debt as the Felon owed; and if the King assign the same, the Party may sue either in the King's Name or his own. *Co. Lit. §. 745. f. 391. Dyer 30.*

At Common Law; If a Felon be found guilty before a Coroner, or that he fled for the Felony, the Coroner, Sheriff, &c. may seize his Goods, and praise them by an Inquest, before Attainder, and yet they must not carry them away, but leave them in Custody of the Township, where they are to be answered to the King.

And so also if a Person be indicted of Felony, yet his Goods shall not be removed until he be convicted or attainted, but the Officers may seize and appraise and take Sureties that they be not imbezill'd, and if such Sureties be denied, may be delivered to the Townships, as before.

The Felon must have reasonable Maintenance of his Goods for himself and Family until he be convicted.

But see now the Statute of 1 R.3. which provides that if any Sheriff, &c. seize the Goods of any person arrested for Felony before he be convicted or attainted, or that the same be otherwise forfeited, he shall pay to the Party double the value of such Goods, so that now the Goods are not to be seized or removed. And a Traitor or Felon may *Bona fide* sell his Goods for his Maintenance any time before the Attainder.

Note, A Person is said to be Indicted when the Offence is found by the Grand Inquest; convicted when he is found guilty by a second Jury; attainted when Judgment is given upon him.

Note also, That not only the Felons own proper Goods but also such Goods as he had stoln, and for which he is convicted were forfeited to the King at Common Law, unless they had been taken upon Huy and Cry, or fresh pursuit.

But see now the Statute 21 H. 8. cap. 11. which provides that if any Person hath Goods stoln from him, if the Felon be thereof found guilty by Evidence given by the Owner of such Goods, or the Party robbed, or by his Procurement, then such Owner shall be restored to his Goods by a Writ of Restitution, although he made no fresh pursuit or Huy and Cry.

The same Law is if the Felon be Outlawed upon an indictment by means of the Party robbed, &c. then the Justices before such Felony shall be found have power to award Restitution.

The Executors of the Party robbed &c. are within this Law, if by the Evidence they shall give or procure to be given, the Felon be attainted, *Co. Lib. 6. f. 80.*

If there be divers of the Thieves and but one of them is attainted, &c. yet the Party shall have a Restitution.

Note, If the Goods be sold in a Market Overt, before Attainder, there is no Restitution to be made; unless it be in London, or within two Miles of it, by the Statute of 1 Jac. cap. 21. As to Brokers, *vide Co. Rep. 5. 83. b.*

A Man shall have Restitution of Money stoln, though it cannot be known, *Bro. Restitution 22.*

A Man killing a Thief in his defence shall not forfeit his Goods, 24 H. 8. cap. 5.

All Clerks of the Peace shall deliver to the Sheriff of the County, &c. where the Sessions of the Peace is kept, within 10 days after *Michaelmas*, a perfect Estreat or Schedule of all Fines, Issues and Amerciaments, Forfeited Recognizances, and other Forfeitures whatsoever, set, lost or forfeited, in any of the said Sessions of the Peace. And also return into the Court of *Exchequer*, a true and perfect Duplicate of the same, on or before Monday after *All Souls* yearly, on pain of the Forfeiture of 50 l. 22, 23 Car. 2. cap. 22. §. 7. made perpetual by 4 & 5 W. & M. cap. 24.

Forfeiture of French and Foreign Commodities, &c.

Any Justice of Peace upon Complaint at any time reasonable may give Warrant to the Constable to enter and search Shops, &c. being open, and to seize Foreign imported Bone-Lace, Embroidery, Cut-work, Buttons Silk-works, &c. 13 & 14 Car. 2. cap. 13. §. 3.

Stat. 4 & 5 W. & M. cap. 10. For preventing the importing, bartering, selling, rendering or exposing to Sale any Foreign Hair Buttons or other Buttons whatsoever, the Justices have the same power for Seizure, as by the Statute of 14 Car. 2. cap. 13.

See *infra* Presidents, Numb. 137.

Forefallers, Regrators, Ingrossers.

IN an Indictment for forestealing upon the Statute of 5 Ed. 6. cap. 14. You must lay that he was going to the Market with the Goods, 1 Roll. Rep. 421.

What shall be said ingrossing within the Statute of 5 Ed. 6. *Vid. Cro. Car* 231, 314.

What is Forestalling and what not, *Vid. 2 Brownl.* 109. 1 Roll. Rep. 11.

No person shall buy to sell again any Butter or Cheese, unless he sell it by retail in Shops or Markets, and not in gross, upon pain to forfeit the double value to the King and the Informer, 3 & 4 Ed. 6. cap. 21.

Retail is expounded where a Weight of Cheese or Barrel of Butter or less is sold: This Statute extends not to Innkeepers or Victuallers.

1. If any Person buy things coming to Market by Land or Water to a Market or Port, &c. or contract for the same, &c. he is a Forestaller.

2. He that doth buy (in any Market) any Corn, Wine, &c. or dead Victuals brought to be sold, and sell it again in the Market, he is a Regrator.

3. He that gets in his Hands by buying or promise, or otherwise than by Demise, any Corn, Butter, &c. with intent to sell the same, is an Ingrosser.

4. A Person convict of this Offence shall be imprisoned without Bail for two Months, and forfeit the value of the Goods bought, 5, 6 Ed. 6. cap. 14.

5. For

5. For the second Offence he shall be imprisoned without Bail for half a year, and lose the double value of his Goods, *Ibid.*

6. For the third Offence he shall be set in the Pillory, forfeit his Goods, and be committed during the King's pleasure, *Ibid.*

7. Buying Barly or Oats to be made Malt, and not by forestalling; buying by Fish-mongers, Butchers, oulterers, things belonging to their Trade to be sold by Retail, Taking Corn, buying dried Fish, &c. not lawful.

A Carrier licensed, &c. buyeth Corn, &c. upon Reservation in Lease, Inholders buying Corn, to be sold in a Market, &c. Provisions for a City, Ship, are no grossings.

8. One buying Corn for change of Seed, not bringing so much to Market, forfeits the double value, *Ibid.*

9. The Sessions shall determine these Offences, by Bill or otherwise, &c. and estreat the Queens part, and award Execution, &c.

10. Any Person impeached within this Act shall be tried within two Years, *Ibid.*

11. A person living within a Mile of the Sea, may buy Fish and sell the same, &c. at reasonable prizes.

12. The Statute of 5 Ed. 3. cap. 12. shall not extend to Wines, &c. brought into England, Fish and Salt only excepted.

13. The Statutes of 3 & 4 Ed. 6. cap. 21. and 5 & 6 Ed. 6. cap. 14. shall not extend to Freemen of London, buying Butter and Cheese, &c. 21 Jac. cap. 22.

14. If Justices shall declare in Sessions, that the Traders in Butter and Cheese, shall forbear to buy, &c. if they do not, they shall not be exempted from the Penalties of these Laws, *Ibid.*

15. No Drover, &c. shall be allowed but in Quarter Sessions in the County where he hath dwelt three years, and none but a Person married, an Householder, and thirty Years old, and for one Year only, 5 Eliz. cap. 12.

16. A Woman can have no Licence, and he that hath cannot sell by his Servant.

17. The Licenses shall bear date, the day and date of the Sessions, and be sealed by three Justices, *Quorum unus*, upon pain to the taker of 5 *l.* to the King.

18. The

18. The Sessions shall take Bond, that the Person censured shall not forestal, &c. The Licence shall cost b
12 d. the Recognizance 4 d. for which the Clerk sh
keep a Register of their Names, &c.

19. No Person by such Licences shall buy Corn but Market unless thereunto specially licensed, or forfeit

20. The Sessions shall determine these Offences inquisition, &c. and make Process as if they were indicted. And upon Information of any other, there the Queen may extract the Queen's Moiety, and make Execution by *Fieri facias*, &c. If the Conviction be at the Queen's Suit only, she shall have the whole Forfeiture.

21. The Act shall not prejudice Corporation in Privilege, nor extend to *Westmoreland, Cumberland, Lancaster, Chester, York*, 5 Eliz. cap. 12. §. 10.

22. No Person shall regrate or ingross Oak-Bark with intent to sell it again, on pain to forfeit the same, 1 Jac. cap. 22. §. 19.

23. No Person shall forestal Hides coming to Market, &c. but in Market; or buy any except of him that killeth the Beast to spend in his House on pain to forfeit 6 s. 8 d. for every Hide, *Ibid.* §. 14.

Games and Game.

NO Persons shall meet out of their own Parish on the Lord's Day for any Sports, nor shall any Bear-baiting, &c. or other unlawful exercise be used by any within their own Parish on pain to forfeit for every Offence 3 s. 4 d. to the Poor; and one Justice or chief Officer shall give Warrant, &c. to the Constables to levy the same by Distress, and for default thereof the Offenders to be set in the Stocks for three hours. None shall be impeached by this Act unless he be questioned within a Month, 1 Car. cap. 1.

No Apprentice or Servants shall play at Tables unless for Meat or Drink, nor at Tennis, Dice, Cards, Bowls, or other unlawful Games out of Christmas nor then neither unless it be in their Masters House or Presence, 33 H. 8. cap. 9. §. 16.

A Justice may enter into any House where playing Dice, &c. shall be suspected to be used, and imprison the Keepers thereof, till they enter into Recognizance with Sureties no longer to occupy any such House of day, &c. §. 14.

He may likewise Imprison the Players without Bail till they be bound by Recognizance no more to play or hunt such places, *Ibid.*

The penalty for Servants, &c. playing at Dice, &c. at *Christmas*, is 20 s. for keeping an House for unlawful Games 40 s. *per diem*; for playing here 6 s. 8 d. every time; Mayors, &c. shall once a Month search such places or forfeit 40 s. Mayors, &c. shall four times Year proclaim this Statute in the Market, and Justices at their Sessions, 33 H. 8. cap. 9.

All Suits upon these Statutes shall be prosecuted in the County where the Offence was done, 31 El. cap. 5. Every Licence for keeping a Bowling-Ally, &c. shall be void, 2 & 3 Ph. & M. See cap. 9.

Playing at Cards, Dice, and the like, are not prohibited by Common Law, but only false Dice and false Cards, *Dalt. cap. 29.*

Justice of Peace may commit one for cheating another at play, *Cro. Car. 235. Jones 249. 2 Roll. 546.*

Indictment for playing with false Dice, 2 *Roll. Rep. 17.*

An Indictment for keeping the unlawful Game of Nine Pins, 1 *Syd. 247.*

If any one shall carry, keep, &c. any Gun, Cross-bow, &c. contrary to the Statute of 33 H. 8. cap. 6. every Person may Arrest the Offender, and carry him to the next Justice, who may commit him till he pay the penalty, *sc. 10 l.* By this Statute no Man may keep or shoot in any Gun, &c. except he hath 100 l. *per annum* in Lands, &c. or forfeit 10 l. every time.

2. None may keep, &c. any Hand-gun, under one yard in length, nor other Gun under three quarters of a yard in length, or forfeit 10 l. Any one having 100 l. *per annum* in Lands, &c. may take from the Offender every such Gun, Cross-bow, &c. and keep such Bow, but break the Gun within twenty days, or forfeit 40 s. and keep the Gun, 33 H. 8. cap. 6.

But the Statute of 3 Jac. cap. 13. if any one not having 100 l. *per annum* in Lands, &c. of 40 l. *per annum*, or not worth in Goods 200 l. shall use any Gun, &c. to kill Deer, or Conies,

Conies, or keep any Buckstalls, &c. (except he hath ground enclosed, or be a Keeper, &c.) Any person having 100 *l. per annum* may take from him, and keep to his own use, any such Gun, &c.

3. No Person in his Journey may carry any Gun charged or Bow bent (saving in time of War, or going to or from Muster) except he hath 100 *l. per annum* in Lands, &c. or forfeit 10 *l.* 33 *H. 8. cap. 6.*

4. No person may shoot within any City, Burrough or Market Town, nor within one quarter of a Mile, except for his defence, or at a But, or forfeit 10 *l.* *Ibid.*

5. A Master may not compel his Servant to shoot in any Cross-bow, &c. except at a But, or in time of War, or forfeit 10 *l.* *Ibid.*

Out of this Statute are excepted the shooting Buts, &c. by Serving-Men, whose Masters are enabled by Statute, and also Lords, Knights, Esquires, Gentlemen and the Inhabitants of every City, &c. *Ibid.*

All Persons dwelling alone, or near the Sea, Making and Sellers of Guns, &c. and Persons having Placards *Ibid.*

Stat. 4 & 5 W. & M. cap. 23. All Laws and Statutes in force, for the better preservation of the Game in this Kingdom, and every Clause and thing therein not hereby altered or repealed, shall be duly put in Execution.

Constables, Headboroughs and Tything-men by Justice of Peace his Warrant may and are required to enter into, and search (in such manner as by an Act for the more effectual Discovery and Punishment of Deer-stealers, made in the third and fourth Year of their Majesties Reign is provided, in case of Venison or Skin of any Deer or Toils) Houses of suspected persons not qualified; and in case any Game shall be found, the Offender shall be carried before a Justice of Peace, and if he do not give a good account how he came thereby, or produce the person of whom he bought it in some convenient time, or some credible person to depose upon Oath such Sale thereof, he shall be convicted of such Offence by the said Justice, and forfeit for every such Hare, Partridge, &c. or other Game, any Sum not under 5 *s.* and not exceeding 20. One Moiety to the Justice former, and the other to the Poor of the Parish where the Offence was committed, to be levied by Distress.

ress and Sale of his Goods, rendring the Overplus ; and
r want of a Distress shall be committed to the House
Correction for any time not exceeding a month, nor
ss than ten days, there to be whipt or kept to Labour.
nd if any person, not qualified by Law, do keep or
se any Bows, Greyhounds, Setting-Dogs, Ferrets, Cony-
ogs, Hays, Lurchers, Nets, Tramels, Lowbels, Hare-
ipes, Snares or other Instruments for destruction of
ame, and shall be convicted as aforesaid, he shall be
bject to the Pains and Penalties aforesaid. And if any
erson so charged shall not before the same Justice give
ch Evidence of his Innocence as aforesaid, he shall be
nicted thereof in like manner, as the person first char-
d therewith is hereby directed to be, and so from per-
n to person till the first Offender be discovered.

Lords of Manors and other Royalties, or any autho-
zed by them, shall and may oppose and resist such Of-
nders in the Night time within their respective Manors
d Royalties, as if such Fact had been committed in any
cient Chase, Park or Warren enclosed.

No persons whatsoever shall after the 25th day of
arch, 1693. keep any Net, Angle, Leap, Piche, or other
n gin for taking Fish (other than the Makers and Sellers
ereof, for their better convenience in the sale thereof,
d other than the Owner and Occupier of a River or
shery.) And Owners or Occupiers of Rivers and
sheries, and such as they shall authorize, may seize
d keep to their own use any such Engin, which shall
found used by, or in the possession of any person what-
ever, fishing in any River or Fishery, without the Con-
nt of the Owner or Occupier. And also any person what-
ever authorized by Warrant under the Hand and Seal
a Justice of Peace, may search the Houses and other
aces of persons prohibited and suspected to have in
eir Custody any such Engins, and the same to seize
d keep to their own use, or to destroy.

This Act shall not extend to abridge Fishermen or
eir Apprentices, lawfully authorized to fish in Navi-
ble Rivers of Waters with lawful Nets and Engins.

No *Certiorari* shall be allowed to remove any Convi-
ion or other Proceeding concerning any matter in this
ct, unless the parties against whom such Conviction
all be, shall before the allowance thereof become bound
the Prosecutor in the Sum of 50*l.* with Sureties to be
proved of by the Justice or Justices of Peace, before
whom

whom such Offender was convicted, to pay to the Prosecutor within a month after such Conviction confirmed or *Procedendo* granted, their full Costs and Charges to be ascertained upon Oath.

Offenders punished by force of this Act, shall incur the Penalty of any other Law for the same offence.

Persons suspected at Law for any thing done in pursuance of this Act, may plead the general Issue, and give in evidence on this Act or any other special Matter in Evidence, and if the Verdict pass for the Defendants, or the Plaintiff become Nonsuit, or suffer a discontinuance, the Defendants shall recover treble Costs.

If any inferior Tradesman, Apprentice or other disolute person shall hunt, hawk, fish or fowl (unless by Company with the Master of such Apprentice qualified by Law) they shall be subject to the Penalties of this Act, and may be sued for Trespass in coming upon any persons Ground; in which Suit the Plaintiff shall recover his Damages and full Costs.

For the better preserving the Red and Black Game Growse, commonly called Heath-Cocks or Heath-Cocks, no person whatsoever on any Mountains, Hills, Heath, Moors, Forests, Chases or other Wasts, shall burn between the 2d. day of February and the 24th of June, any Grig, Ling, Heath, Furze, Gorse or Fern, on pain being committed to the House of Correction for any time not exceeding a month, nor under ten days, there to be whipt, and kept to hard Labour.

By the Statute 4 & 5 W. & M. cap. 13. If any Officer or Soldier shall without Licence of the Lord of the Mannour under Hand and Seal, take or destroy any Game or Poultry, &c. shall be convicted thereof upon Oath before a Justice of Peace, he shall forfeit, if an Officer, 5 l. to be distributed among the Poor of the Parish; and every Officer commanding in Chief upon the place where such Offence shall be committed, shall forfeit for every such Offence committed by any Soldier under his Command 10 s. to be distributed as aforesaid. And for default of Payment within two days after Conviction, and demand thereof made by the Constable or Overseer of the Poor, the Officer so refusing or neglecting to pay, is declared to have forfeited his Commission, and his Commission by the said Act is made Null and Void. This Act being Temporary is revived or again Enacted by 2 & 3 Ann. c. 20. and 3 & 4 Ann. c. 16. which last is continued

enacted by the 4 & 5 An. c. 11. until the 25th of March,

1777.

See Tit. Hunting.

Gaol and Gaolers.

NO Justice of Peace to commit but to common Gaol,
Cro. Eliz. 830. 5 H. 4. c. 10.

A Gaoler shall take but one Fee of a Prisoner indicted
for two Felonies.

Good Behaviour.

A Justice cannot bind to the Good Behaviour upon a
general Information, or upon such to commit a
Man for not finding Sureties, *Style 16.*

If a Justice for want of Sureties for Good Behaviour
commit without cause, 'tis false Imprisonment.

To call a Mayor Fool is breach of Good Behaviour,
and so it is to threaten Witnesses, *Latch 5. Cro. Eliz. 78.*

Upon a Warrant for the Good Behaviour, the Officer
may break open the House, *Moor 606. numb. 837.*

Hair Buttons.

STAT. 4 & 5 W. & M. c. 10. No Foreign Buttons made
of Hair, nor other Foreign Buttons whatsoever shall
be imported or bartered, sold or exchanged, on pain to
forfeit the Buttons so imported, bartered, sold or ex-
changed, and under such farther penalties as are expressed
in an Act made in the fourteenth year of the Reign of
late King Charles II. Intituled, *An Act prohibiting the
Exportation of Foreign Bone Lace, Cut-work, Embroidery, &c.* One
Penalty to their Majesties, and the other to the Informer.
The Justices of Peace within their respective Divisi-
ons, shall have the same Authority and Power to issue
their Warrants to seize all Foreign Buttons whatsoever,
as by the said Act is given them to seize Foreign But-
tons made of Thread and Silk.

Hawking.

Hawking.

ANY Justice may examine Offences, for Hawk with Spaniels in eared Corn, and bind over the offender, 23 *Eliz. c. 10.*

Two Justices may punish those that Hawk at Partridge or Pheasant between the first of *July* and the last of *August* with one months Imprisonment, unless the Party 40 s. &c.

If any person not licensed take Hawks, or their Eggs out of anothers Ground, he shall be imprisoned three months; pay the Party treble Damages, and be bound to the Good Behaviour, or lie in Prison seven years, 5 *Edw. 3. cap. 21.*

Hedge Breakers, &c.

BY the *Stat. 43 Eliz. c. 10.* It is Enacted, That all and every Lewd Person and Persons who shall cut unlawfully take away any Corn growing, or rob any Orchards or Gardens, break or cut any Hedge, Pale, Rails, or Fence, or dig or pull up, or take away any Fruit-Tree or Trees, or cut or spoil any Woods or Underwoods, Poles or Trees standing, not being Felony by the Laws of this Realm, their Procurers and Receivers knowing the same, being thereof convicted by Confession, or Testimony of one Witness upon Oath before one Justice of the Peace, &c. shall for the first Offence make such Recompence to the Party injured as the Justice, &c. shall appoint, or if such Offender be not able or sufficient, he shall be whipt, and so for every Offence after suffer the like Punishment of Whipping.

Supplemental to this Act was that of 15 *Car. 2. cap. 2.* whereby it is further Enacted, That every Constable, or any other person, shall and may apprehend any person they shall suspect having, carrying or conveying any Burthen or Bundles of any kind of Wood, Underwood, Poles, young Trees, Bark of Trees, Gates, Stiles, Posts, Pales, Rails, Hedge-wood, Broom, Furze.

And any Officer by Warrant from one Justice of Peace shall have power to enter into, and search the Houses, Outhouses, &c. of all Persons suspected to have any kind of Wood, Underwood, Poles &c. and where they find any such to apprehend the person suspected for cutting and carrying away the same, and have him before one Justice; and if the person so apprehended do not give a good account how he came by such Wood, Underwood, &c. such as shall satisfy the Justice, or shall not in a convenient time produce the Party of whom he bought the same, or some Witness to depose upon Oath such Sale of the said Wood, &c. then the person suspected shall be deemed as Convict of the said Offence, of cutting and boiling the said Woods, Underwoods, &c.

Every such person so convicted shall for the first Offence give to the Party injured such Recompence as the Justice shall appoint, and over and above pay to the Poor of the Parish such Sum, (not exceeding 10*s*.) as the Justice shall think meet; and the Offender not so doing, to be committed to the House of Correction, not exceeding one month, or be Whipped: For the second Offence, to be sent to the House of Correction for one month, and there kept to hard Labour: And for the third Offence, after Conviction as aforesaid, he shall be deemed and adjudged as an Incurable Rogue.

Buyers of stolen Wood, upon Conviction before one Justice of Peace, shall pay treble the value to the Party from whom it was stolen, to be levied by Distress, and in default of Distress, Imprisonment for one month.

None to be questioned upon this Act, unless within six weeks after the Offence. Nor be punished by this Act, if he hath been punished for the same Offence by a former Law.

Vide Presidents, numb. 312.

Highways, Streets, &c.

ANY Justice may cause Market-ways to be enlarged and cleansed, so that no Bush, Tree, &c. shall remain within two hundred Foot of either side the way, see 5 *Elix. c. 13*. A Justice may admonish the doing of the same, and if it be neglected, presented at the next Quarter Sessions.

If Highways be not enlarged, Enquiry shall be made who ought to enlarge them, and of such as hinder it, See *Stat. of Winchester, 13 Ed. 1. Stat. 2. c. 5.*

If a Way founder, and that there be Outlets from the Soil adjoining, the people may travel upon the Soil, the sown with Corn; and if a Way be thro' a Man's Land and he hath fenced it in, he hath bound himself to repair the Highways.

Every Justice (upon his own knowledge) may prefer an Highway not well repaired, to the General Sessions and he may do the like for any Offence concerning Highway contrary to the Statutes of 2 & 3 Ph. & M. cap. 15 Eliz. c. 13. upon which the Sessions may assess a Fine in the absence of the Offender.

And before the Fine can be taken off the party presented must certify the amendment, *Styl. 130. Moor 180.*

Constables and Churchwardens shall call together the Parishioners, and chuse Surveyors of the Highway 2 & 3 Ph. & M. c. 8. See the new Statute of 22 Car. cap. 12. whereby it is provided that the Surveyor shall be chosen in *Christmas* Week; by which Statute likewise the appointing of days of working is enjoined to the Surveyor, of which notice is to be given in the Church by the Constables.

Every person keeping a Plowland, &c. shall send every day and place appointed, &c. for every draught of Plowland, &c. one Cart and two able Men for 6 days, &c.

He which hath a Plowland lying in several Parishes shall be charged only in the Parish where he lives, but if he have two Plowlands in divers Parishes, he shall find a Cart in each Parish.

In places where Carts are not used, the Inhabitants shall send Horses with able persons, 22 Car. 2. c. 12. §.

If there appear more Carriages than needful, the Surveyor may demand two Men in their room in every Carriage, 2 & 3 Ph. & M. c. 8.

Every Householder, &c. (not being a Servant by the year) shall for himself, or another, work every of the six days, by the space of eight hours.

See the Statute of 18 Eliz. c. 10. A Cottager, if he be in the Subsidy, 5 *l.* in Goods, or 40 *s.* in Land, shall find two able Men, &c.

All Fences, &c. adjoining to the Highway shall be scoured and kept in repair by the Owner, 5 Eliz. c. 18 Eliz. cap. 10.

Note, It is not enough for Parishioners to work the full days yearly on the Highways, except that thereby the Ways are sufficiently repaired; for if they be not, the whole Town might be indicted.

A Highway lying out of any Parish ought to be repaired by the whole County.

The King (by Common Law) may award his Commission, for the amending of Highways throughout the Realm.

If any one chosen to be a Surveyor, or refuse the Office, every Justice may present this.

Every Surveyor within twenty days after notice of his Election, upon Penalty of 5 *l.* shall view the Highways, &c. in order to their amendment.

If an High Constable, &c. receiving any Estreat for the levying of any Forfeitures, shall neglect the same, or not account for, and make payment of, between the first day of *March*, and the last of *April*, all such Sums as shall be levied by him, to the Constables, &c. and if they shall not imploy the same upon Highways, every Justice upon his own knowledge may present those defaults.

Surveyors shall appoint six days for providing materials, having respect to the Seasons of the Year, and make return of Defaulters to the next Justice, who shall present the same to the next Sessions, 22 *Car.* 2. or the same Justice, by the proof of one Witness, may levy upon the Delinquent. For want of a Day-labourer, 1*s.* for every Cat and two Men 10*s.* 2 & 3 *Ph.* & *Mar.* c. 8. 5 *Eliz.*

Every Surveyor may take and carry away Rubbish or broken Stones in any Quarry within the Parish towards mending the Highways, 5 *Eliz.* c. 13. he may likewise dig for and take in the Ground adjoining to the Highways any Sand or Gravel so as he do not dig in any Garden, &c. and but one Pit only, and that but two fathoms over, and fill the same again within one month at the charge of the Parish. He may likewise justify the gathering of Stones in the Ground of any one within the Parish for the mending of the Highways.

If there be not sufficient materials in the same Parish for the repair of the Highways, the Surveyor (by the allowance of two Justices) may take Chalk, &c. in the Commons of a Neighbouring Parish, filling up the Pits within a month; and if there be not sufficient Stones in the Commons, &c. of the Parish, the Surveyor may take the same within the several Grounds of any Man, in

such Parish, without paying for the same, and filling the Pits, 14 *Car. 2. c. 6. §. 7.*

A Surveyor may cause any Water-course to be turned into any Man's several Ditch or Ground adjoining to the Highways, 5 *Eliz. c. 13. §. 6.*

Two Justices, *Quorum unus*, may take the Account of an High Constable, &c. who hath received an Estreat of Fines, &c. and compel him to pay them to the Peaceable Constables, &c. or commit him; but he must have 12 *d.* for every pound, and 12 *d.* for the Fee for the Estreat.

A Justice upon complaint, &c. may compel such Constables to pay their Arrearages for the Estreat.

All Charitable Gifts for the repairing of the Highways, &c. all Issues for not appearing; all Fines, &c. shall be employed on the Highways by the Warrant of two Justices; And the Surveyors shall account with the Inhabitants within one month after the year, and of the Overplus; and for default two Justices may compel him, 14 *Car. 2. c. 6. §. 12, 13.*

No travelling Cart or Wagon, Carriage, wherein Burdens, &c. are carried, other than such as are employed in Husbandry, &c. shall go with above five Horses length. If any draw with any greater number of Horses or Oxen, they shall draw in pairs, except one Horse otherwise the Owner shall forfeit 40 *s.* one third to the Surveyor, &c. another to the Overseers, &c. to be levied by Warrant of any Justice, 22 *Car. 2. c. 12. §.*

A Constable or Surveyor not putting in Execution the Acts about Highways, or suffering Carts to pass through their Limits, otherwise than as aforesaid, upon proof before a Justice, upon his own View, incur such Fine, under 40 *s.* as he shall impose, §. 1.

Every person which shall oppose the Execution of the Acts, shall pay 40 *s.* within seven days after conviction, or be committed till payment, 22 *Car. 2. c. 12. §. 3.*

Justices of Peace may determine Matters concerning Charitable Gifts for repairing Highways, &c. and make Orders for employing the same (except Gifts made to a College, &c.) and the Appeal in these Cases lies in Chancery, 14 *Car. 2. c. 6. §. 14.*

If Highways cannot be repaired before *Midsummer* yet they shall be repaired before *St. Luke's-day*, 22 *Car. 2. c. 12. §. 3.*

The default of repairing of the Highways, shall be presented in the County, neither shall the Indictment be removed thence by *Certiorari* till after Judgment, *III. S. 4.*

Yet it seems an Indictment for not repairing a Bridge, lying between two Counties, where it is not known who ought to repair, may be removed, *ne deficeret iudex.*

The Sessions upon Indictments, may fine for all Nuisances, Incroachments and Purprestures; where Gates are erected in such places of the Highways, where there hath not been anciently any, persons may pull them down, the Offence may be presented. Incroachments shall be presented at the Suit of the Queen, though the Soil thereof belongs to others.

And in Case of publick Nuisance the remedy must be the same.

Particular Statutes concerning Highways I shall not recite, but refer you to the same at large; also to such general Statutes as have some Clauses in them relating to particular Highways, which are as followeth, 39 *Eliz. c. 19.* 14 *H. 8. cap. 6.* 26 *H. 8. cap. 7.* 14 *Car. 2. cap. 2.* 2 & 23 *Car. 2. cap. 17.* 37 *H. 8. cap. 3.* 1 *Mar. cap. 5.* 1 *Eliz. cap. 20.* 35 *Eliz. cap. 7.*

An Information in the Crown Office for not repairing a Highway, they say one part of the Parish ought. By the Chief Justice, you may plead Not guilty, and give in Evidence that part of the Parish that ought to repair.

An Highway of Common Right all the County ought to repair; but some may particularly be bound to it, *1 Co. 33.*

If one is to repair *ratione tenuræ*, and he lets his Ground lie open, yet he must repair, 2 *Saund. 160, 161.*

If one encroach upon the Highway, he is by this chargeable to repair the Highway as long as the Encroachment continues; but if he leaves the Encroachment open to the Highway, he shall be discharged for that time from the repair, *Ibid.* See 1 *Cro. 366.* *Trin. 5 Car.*

An Indictment for stopping the Queen's Highway in *enfrington*, good, without saying from such a place to such a place; otherwise of a Common-way, *Nov 90.*

An Indictment for stopping a Way to a Church without saying *communis via*, good, *Poph. 206.*

An Indictment against several for suffering before the Doors to be unpaved, not good, *March 45.* The Indictment ought to be of every particular person.

An Indictment for throwing Dirt and Dust into the Highway, 14 *Car. 2.*

An Indictment must be *ad nocumentum omnium ibidem transeuntium*, Roll 406.

To stop one Way which was foul, and lay out another without publick Authority, not justifiable, 1 *Cro. 260 Mich. 8 Car.*

Stat. 3 & 4 W. & M. cap. 12. The Laws and Statutes in force touching the Highways, not hereby altered or repealed shall be put in Execution.

Upon the 26th day of *December* yearly, unless that day be *Sunday*, and then on the 27th day, the Constable of Headboroughs, Tithingmen, Churchwardens, Surveyors of the Highways, and Inhabitants of every Parish, shall assemble, and the major part of the Assembly shall make a List of the Names of a competent number of the Inhabitants, who have an Estate in Land, in their own Right or their Wives, of 10 *l. per Annum*, or a personal Estate of 100 *l.* or are Occupiers of Houses, Lands, &c. of the yearly value of 30 *l.* if such there be, and if not, then a List of the most sufficient Inhabitants, and return it to two or more Justices of the Peace at a special Sessions to be held for that purpose on the third day of *January* next following, within fifteen days after; for which purpose the Justices are required to hold a special Sessions and to give notice to the Constable, Headboroughs, &c. of every Parish within the Division ten days before the holding of the same; and out of the said Lists by Warrant under their Hands and Seals they shall nominate one, two or more, to be Surveyor or Surveyors of the Highways of every Parish within the Division, or for any Hamlet, Precinct, Town, &c. of and in the same for the Year ensuing; which nomination shall by the Constable, &c. be notified to the Persons nominated within six days, by serving them with the Warrants, or leaving the same, or a Copy thereof at their Houses; and if the persons so nominated shall refuse or neglect to take upon them the said Office, they shall forfeit 5 *l.* to be levied on their Goods by Distress and Sale thereof, by Warrant of two Justices of the Peace, which Warrant the Justices are required to make upon the Information of one credible Witness upon Oath; one moiety of such

Forfeiture

forfeiture to the Informer, the other to go towards the repairing of the High-ways ; and in such case the Justices shall nominate some other fit persons to perform the Office, who shall upon the like notice take upon them the Office under the same penalty ; and Constables, Headboroughs, &c. or some of them, who shall not return such Lists of Names, every one of them so neglecting, shall forfeit 20 s. to be levied in the manner, and employed to the uses aforesaid.

No persons shall lay in any Highway not twenty Foot broad, any matter whereby the same may be obstructed or annoyed, on pain to forfeit 5 s. to be levied and disposed, as aforesaid.

If any Timber, Stone, Hay, Straw, Stubble, or other matter for making Dung, or on any other pretence, shall be laid in any such Highway, the Possessors of the Lands next adjoining shall remove and dispose of the same to their own use ; and if they neglect to clear the same, or to cleanse their Ditches, &c. adjoining thereto, or to cause the Earth taken thereout, to be carried away, and to lay a sufficient Trunk or Bridges where there are Cart-paths into the said Grounds, by the space of ten days after notice given by any of the Surveyors, they shall forfeit 5 s. for every such Offence, to be levied and disposed as aforesaid.

No Tree, Bush or Shrub shall be permitted to grow in any Highway, not twenty Foot broad, but shall be cut down by the Owner of the Land where it stands, within ten days after notice given by any of the Surveyors, on pain to forfeit 5 s. to be levied and disposed as aforesaid.

The Possessors of Lands adjoining to Highways not twenty Foot broad, shall keep their Hedges pruned right up from the Roots.

Surveyors appointed as aforesaid, shall within fourteen days after their acceptance of this Office, and so from time to time, every four months, view the Roads, Water-courses, Bridges, Cawseys, &c. within the Parish, &c. where he is a Surveyor, that are to be repaired by the Parish, &c. and present upon Oath in what condition they find them, to some Justice of Peace, or to incur the same Penalty as if they had refused to execute the Office, unless they have some reasonable excuse to be allowed of by two Justices of the Peace ; and what Defaults they shall find, they shall the next *Sunday* after

Sermon ended, give publick notice of, in the Parish Church; and if the same be not amended within thirty days after, such Surveyors shall within thirty days amend the same, and dispose of the Annoyances for the repair of the Highways, and shall be reimbursed their Charges by the Party who should have done the same; and in case of refusal by the party to pay such Charges, the Surveyors shall apply themselves to a Justice of Peace and upon Oath before him made of notice to the Defaulters given as aforesaid, the Surveyors shall be repaid such Charges as the Justice of Peace shall think reasonable, to be levied as aforesaid.

The Justices of Peace shall once in four months hold special Sessions, and Summon thereunto all the Surveyors of the Highways, and declare to them what they are obliged to do by virtue of this, or any former Act; after which the Surveyors shall make a Presentment to them upon Oath, of the state of the Highways within their respective Parishes, &c. and what Offences and Neglects any are guilty of; and before any Surveyor be discharged of his Office, he shall at some such Special Sessions give an account upon Oath of all Money that hath come to his Hands, which ought to be employed in amending the Highways, and how it has been disposed; and if any remain in his Hands, he shall deliver it to the next Surveyors; or in case of failure, shall forfeit double the value, to be levied and disposed as aforesaid.

Surveyors neglecting their Duty in any thing required by this Act, shall forfeit for every Offence 40 s. to be levied and disposed as aforesaid.

If any Justice of Peace shall neglect or refuse to do what this Act requires, he shall forfeit 5 l. one moiety to the Prosecutor, the other to be employed for the amendment of the Highways, where the person who sues shall inhabit, to be recovered in any of their Majesties Courts of Record, by Action of Debt, &c

Surveyors of the Highways, where the Ditches and Drains already made, are not sufficient to carry off the Water, may make new ones through the Lands adjoining, and keep them open, and come upon the Grounds with Workmen for so doing.

Upon notice given by the Surveyors to the Justices at their special Sessions, and Oath made of what Sums they have expended in repairing the Highways, the Justices or any two of them may by Warrant cause an

an equal Rate to be made to reimburse them, where they are forced to lay out their Money, according to the Methods prescribed in an Act made the 43^d of *Eliz.* Entituled, *An Act for the better Relief of the Poor of this Kingdom*; And if any refuse to pay what shall be assessed on him, the Surveyors shall levy the same by Distress or Sale of Goods.

No Fine, Issue, Penalty or Forfeiture for not amending Highways, shall be returned into the *Exchequer*, or other Court, but shall be levied into the Hands of Surveyors to be applied towards the amendment of such Highways; and if any such Fine, &c. imposed on any Parish, &c. for not repairing the Highways, shall be levied upon one or more of the Inhabitants, upon complaint to the Justices of the Peace at the special Sessions, they or any two of them may by Warrant cause a Rate to be made to reimburse them, which the Surveyors shall levy and pay within a Month after the making thereof.

The Surveyors shall make every Cartway leading to any Market-Town eight Foot wide at least, and as near as may be level.

Inhabitants within the Weekly Bills of Mortality, Brewers, Scavengers, and others imployed in carrying away the Dirt and Soil of the Streets, &c. may use any Cart, Car or Dray, with Wheels shod with Iron, and narrower than six Inches in the Fellies, and drawn with more than two Horses, any Act, Law or Usage to the contrary notwithstanding.

Where the Justices of Peace at their General Quarter Sessions shall be satisfied, that the Highways, &c. cannot be sufficiently amended without the help of this Act, Assessments upon Persons usually rateable to the Poor shall be made and levied by such Persons, and in such manner as the Justices at their Sessions shall direct and appoint, the Money to be raised, to be imployed according to their Orders for the repairing the Highways, &c. The said Assessments, if not paid within ten Days after demand, to be levied by Distress and Sale of Goods, rendering the overplus, Charges deducted.

No such Assessment to be made in any one Year shall exceed 6 *d.* in the pound of the yearly value of Lands, &c. nor of the 6 *d.* for 20 *l.* Personal Estate,

If any Persons find themselves agrieved by such Assessments, or any Act by the Justices of Peace, the Justices of Peace at their General Quarter Sessions, shall take Order therein, which shall conclude all Parties.

None shall be punished for any Offence against this Act, unless he be prosecuted within six Months after the Offence committed, nor shall any Person punished by virtue of this Act, be punished for the same Offence by virtue of any former Law.

No Horse Cawsey shall be under three Foot in breadth.

The Justices of Peace for *Middlesex*, may at their Quarter Sessions make Rates for paving *Kensington*, in such manner as is directed by an Act made in the Second Year of their Majesties Reign, for paving and cleansing the Streets of *London* and *Westminster*.

All Matters concerning Highways, &c. shall be determined in the County where they lie, and not elsewhere; and no Presentment, Indictment or Order made by virtue of this Act, shall be removed by *Certiorari* out of the County.

The Justices of Peace of every County, at their Quarter Sessions after *Easter*, Yearly, shall assess the Prices of all Land-carriage of Goods to be brought into any place within their Jurisdictions, by any common Waggoner or Carrier; and shall certify such Rates to the Mayors or other Chief Officers of every Market-Town; and Waggoners or Carriers taking more than what shall be so assessed, shall forfeit for every such Offence *5 l.* to be levied by Distress and Sale of Goods, by Warrant of two Justices, to the use of the Party grieved.

In Actions commenced against any Persons authorized to put this Act in execution, the Defendants may plead the General Issue, and give this Act and the special Matter in Evidence; and if the Plaintiff be Non-suit, or forbear Prosecution, or Discontinue, or a Verdict pass against him, the Defendant shall recover his double Costs.

Stat. 4 & 5 W. & M. cap. 9. The Toll mentioned in the Act made in the Fifteenth Year of the Reign of King Charles II. Entituled, *An Act for repairing the Highways in the Counties of Hertford, Cambridge and Huntingdon*; and in an Act made in the Sixteenth and Seventeenth Years of the said late King, for continuance of the
said

said Act, to be taken at *Wades-Mill* in *Hertfordshire*, shall be revived, and taken again in the manner by the said Acts mentioned, for Fifteen Years, the Monies thereby arising, to be employed according to the Tenor of the said Acts.

Provided, That if the said Highways before the end of Fifteen Years be in sufficient repair, and an Adjudication be made thereof at the Assize or General Quarter Sessions of the County, as is provided by the said Statute of 16 & 17 Car. 2. the said Toll shall from thenceforth cease.

The several Officers and Persons impowered by the said former Acts, so far as relates to the County of *Hertford*, shall have the like Powers by virtue of this Act, and all Clauses in the said Acts concerning the Collecting, Paying, Ingaging or accounting for the said Toll, shall by virtue of this Act be renewed, and put in execution, as if here again repeated.

See after Tit. Scavengers.

Homicide.

Homicide, *ex vi termini*, signifies the killing of a Man, and therefore I shall place under this Head, Murder, Manslaughter, Chancemedly, (or Homicide, by misadventure) Casual death, Homicide upon necessity, or *Se defendendo*, of which in their Orders. Take Homicide as the Genus to them all.

Murder.

Murder is the killing any Person upon premeditated Malice, which is either expressed or implied, as when one killeth another without any provocation, the Law doth presume that such an Act proceeded from a premeditated Malice.

And accordingly it hath been provided by the Statute, 1 Jac. cap. 8. That if one shall stab, strike or thrust another that hath not then a Weapon drawn, or hath not then first stricken the other, and the party so stabbed, &c. dies within six Months after, though no Malice fore-thought can be proved, yet it shall be Murder without benefit of Clergy.

If

If any Magistrate or Officer or any coming to their Aid is killed when he is lawfully executing his Office, this is Murder ; but if he be not a known Officer, he must then shew his Warrant, if it be demanded, otherwise the killing of such Officer is but Manslaughter, 9 Co. 65. *Mackally's Case*.

A Thief who attempts to Rob a true Man, kills him when the other is defending himself, this is Murder, *Hales P. C.* 46.

It was adjudged Murder in the Son who carried his Father (being sick and against his will) in cold and frosty Waether from place to place, whereof he died, 2 Ed. 3. 18. *Lamb.* 236.

A Harlot delivered of a Child, hides it in an Orchard, and covers it with Leaves, and the Kite struck at it, and the Child died thereof, the Mother was executed for Murder, *Crom.* 24.

One hath a Beast that is accustomed to hurt People, the Owner knowing thereof, and the Beast kills a Man, this is Felony in the Owner, *Eitz. Coron.* 311.

If an Officer be authorized to Whip or Brand an Offender, and he does it with that extream rigor, that the Party dies of it, this is Murder in the Officer.

A Man perswades another to kill himself, and be present when he does it, it is Murder.

Two playing at Tables, and fall out in their play, and the one killeth the other suddenly ; or a Husband upon words between him and his Wife, took a Pestle and struck her, whereof she died, it hath been adjudged Murder in both cases, for words seem not to be sufficient provocation.

A. wounded *B.* in fight, and after they met suddenly and fought again, and *B.* killed *A.* this seemeth to be Murder, for it shall be intended to be done upon the former hurt : But if *A.* had killed *B.* this seems to be only Manslaughter, for his Malice shall be intended to be appeased by the hurt he first did to *B.* *Lamb.* 247.

A. discharges a Pistol at *B.* and throws it down and flies, *B.* pursues him, *A.* turns back, and with a Dagger kills *B.* this is Murder, *Sir Franc. Bacon.* 4.

J. S. with an intention to kill his Wife gave her a poisoned Apple, she not knowing of it gave it to her Daughter, who died thereof, this is Murder in the Father, and so it hath been if a Stranger had found it accidentally, *Plowd.* 474.

A. being poisoned drinks to *B.* and perswades him to drink it, alledging it would do him much good, which he drunk in the absence of *A.* this was held to be Murder, 4 Co. 44. So if one gives to another corrupt Vi-
 ctuals with an intent to poison him, and he dies there-
 of within a Year and a Day, Co. 10.

But if a Man lay Ratsbane to kill Rats without any evil intent, and one finds it and poisons himself, this is not Murder, *Plow.* 474.

If a Master takes his Servant with him to kill another, the Servant knowing nothing of it, and assists his Master and the Person be slain, this is Murder in the Master, and but Manslaughter in the Servant.

Rules in Murder.

1. If a Man that hath Malice to one endeavouring to kill him, killeth another Man, this is Murder; as if two fight upon Malice prepensed, and a Stranger who comes to part them be slain, this is Murder in them both, *Lamb.* 238.

2. Where a Person is doing of an unlawful Act, and in this Action killeth another, this is Murder.

3. If divers Persons coming in one Company as Confederates to do an unlawful thing, and in doing thereof a Man is slain, it is Murder in them all, *Stamf.* 40. *Plowd.* 98. nay, if they be in the same House or Ground.

4. All who are present aiding and abetting to do a Murder, are all Murderers, though they do not strike, Co. 9. 67. b.

5. In Murder it is not material who gave the first blow, if there be malice prepensed, *Dalt. cap.* 105.

6. In every Homicide it is necessary that the party killed be in *rerum natura*, for if an Infant be killed in his Mothers Womb, this is no Felony, neither shall the party forfeit any thing.

7. Compulsion is an excuse, as if a Man's Arms be drawn by Compulsion, and by the Weapon in his Hands, another Man is slain, it is no Felony in him, *Plowd.* 19. a.

8. Involuntary Ignorance excuses also, as if an Infant not having intelligence, or a Man *non sana memoria*, kill another, it is no Felony.

9. Intent to commit Murder or Felony is not punishable, unless the Act be done.

Manslaughter.

Manlaughter.

Manlaughter is the killing of a Man willingly upon a sudden heat, yet without malice fore-thought ; as where two fall out upon the sudden, and the one of them killeth the other, this is Manlaughter.

If two Combat together upon a sudden, and part, and presently after meet and fight again, and the one killeth the other, or the one presently fetcheth a Weapon, and killeth the other therewith, this seemeth but Manlaughter, for all was done in one continuing fury.

If two that were at enmity, are reconciled, and after fight upon a new occasion, and one killeth the other, this is but Manlaughter.

If one that is not *Compos mentis* kill a Man, this is no Felony, for every Felony must be done *felleo animo*, & *actus non facit reum nisi mens sit rea*, and a Mad-man is *amens, id est, sine mente*.

There are three sorts of Persons in Law which are not *Compos mentis*. 1. A natural Fool, who is so from his Birth. 2. Who was once of sound Memory, and after (by accident) loseth his Memory. 3. A Lunatick which is sometimes of sound Understanding, and sometimes *non Compos mentis*.

Note, That if a Mad-man be procured to kill another, yet it is Felony in the Procurer, though the Mad-man cannot be charged with the Crime.

An Infant of eight years of Age may be punished for a Felony, if it appear by any Circumstances that he did discern between the Good and the Evil of what he had done.

A Dumb-man may commit Felony, but not one that is Deaf and Dumb, *Fitz. Coron* 193. *Stamf.* 16. otherwise of him that is not born so, *Vide Bro. Coron.* 101 and 217.

Two Men fall out at Bowls, and a third Person in revenge of his Friend struck the other with a Bowl, of which blow he died, adjudged Manlaughter, 12 Co. 87.

A Servant that killed one in defence of his Master, found Guilty only of Manlaughter, 1 Syd. 254.

Bailiffs came to serve an Execution upon one who shuts his Door, they break open the Door, he shoots one of them, adjudged Manlaughter.

Two Men playing at Foils, the Chase of one fell off unknown to him upon a Thrust, so that the Rapier went in to the other's Belly, adjudged Manlaughter, *Allen* 12.

No Accessary may be to Manlaughter before the Act, but only after, *Moor* 461.

Chancemedly.

The killing of a Man by misfortune, or misadventure only, shall not be adjudged Murder by the Statute, *stat. Marlbridge* 52 H.3. cap. 25.

Homicide by misadventure, is when a Man doing of a lawful Act, and without any evil intent happeneth to kill a Man; as if a School-Master, Parent or Master correct his Scholar, Child or Servant in a moderate and reasonable manner, and any of them die thereof; so if in shooting at Buts, &c. by chance kill a Person standing or passing by; also if a Carpenter, Mason, &c. giving notice thereof) throws down a Stone, &c. and killeth a Man, &c.

If by the Queen's Command two Men fight at Barriers, &c. and one killeth the other, this is no Felony of death, *Hob.* 134.

If by chance a Person be killed by one in doing of an unlawful Act, though with no evil intent, this is Felony, *viz.* Manlaughter at least, if no Murder, *amf* 16. As shooting of Arrows, or casting of Stones into a High-way, or some other place where Men do usually pass or resort.

Casual death.

Casual death is when a Man is killed by the fall of House, Pit or Tree, &c. upon him, or killed by Bull, Bear, &c. or by some fall which he himself killeth.

In these Cases observe these following Rules.

First, If a Man so slain come to his Death by the means, procurement, or wilful default of another, this is Felony in the Person procuring, &c.

Secondly, Any thing that is the cause of such accidental Death, shall be forfeited to the Queen, and in Law called a *Deodand*, and is to be prized, the price whereof

of shall be distributed in Alms to the Poor by the Ring's Almoner.

Thirdly, The Forfeiture shall have relation from the time of the stroke given, &c. so if the Proprietor thereof sell it to another, such sale shall not take away the Queen's Title, *Plowd.* 260.

Fourthly, *Deodands* are not forfeited until found a matter of Record, *Co. Rep.* 5. 110. b.

Fifthly, The Jury finding the Death, must also find and appraise the *Deodand*, and the Sheriff is charged with the price thereof, and is to levy the same upon the Town, where such death happeneth, although it were never committed to the Town to keep, *Co. lib.* 5. 11. *Fitz. Coron.* 290. *Stamf.* 21.

Sixthly, It seemeth that if any Person under the Age of fourteen Years be so slain, nothing shall be forfeited to the Queen as a *Deodand*, *Fitz. Coron.* 30. *Stamf.* 21.

If any Man be found in the Fields, and no Person knows him, his Apparel and Money about him shall be given to the Poor, &c. and if known, then his Goods shall be delivered to his Executors or Administrators, or to the Ordinary, and they are not to be reputed *Deodands*, they being not the cause of his Death, *Stamf.* 21.

As for *Deodands* the ancient Rule is, *Omnia quæ moriuntur ad mortem sunt deodanda*, and yet in some Cases there may be a *Deodand*, though the thing it self moves not, as if one fall from a Ship, Cart, Mow of Corn or Hay, so that any Goods that are the occasion of the Death of a Man by misadventure is a *Deodand*, *Co. Lib.* 5. 11. *Dyer* 77. *Fitz. Coron.* 314, 326, 341, 342, 344, 348, 383, 398, 401, 409.

If a Man kill another with my Sword, &c. the Sword shall be forfeited as a *Deodand*, *Dr. and Stud.* 156.

The Coroner is the proper Officer to enquire of such Casual Death, &c. which must be *super visum Corporis*.

Homicide upon necessity, or Se defendendo.

If an Officer or other Person thereto lawfully deputed, does execute a Judgment or Sentence of Death according to his Warrant upon any Person attainted of such Act in the Officer, &c. is neither of the nature of Murder.

Murder or Homicide, for it is but the lawful Execution of Justice; but in this case the Officer must be sure to pursue his Warrant, for if an Offender be adjudged to be hanged, and the Sheriff or other Officer, &c. behead him, &c. this is Felony in such Officer, &c. *Co. lib. 7. 14. Stamf. 13.*

If a Stranger without any Warrant put to death any Offender condemned to die, this is Felony. *Co. lib. 7. 14. Stamf. 13.* The Judge that passeth Sentence cannot justify to execute it himself in Person.

If Justices of Peace shall arraign a Man of Treason at the Session, and condemn him, and he is thereupon executed, this is Felony as well in the Justices as in the Sheriff, or other Officer, who shall put him to death in pursuance of such Judgment, for the Justices had no power to try such Offender, and so what they did was *nam non iudice, Co. lib. 10. f. 76. b.*

If Justices of Peace arraign a Man of Felony upon an Indictment of Trespass, and thereupon hang him, this is Felony in the Justices, but not in the Officer, that executed such Judgment, for in this case the Justices had Jurisdiction of the Cause, though they proceeded Erroneously, and therefore the Officer is excusable.

A Sheriff, Bailiff, or any other Person having a lawful Warrant to apprehend a Man indicted of Felony, may justify the killing of him, in case he will not yield, or suffer himself to be arrested, and that he cannot otherwise be taken, *Stamf. 13.*

Every person whatsoever, may without any Warrant apprehend a Felon upon Hue and Cry, or otherwise, and in case of resistance or flight, the Pursuer may justify the killing of him, *Fitz. Coron. 288. Co. lib. 5. 19. b.*

If a Person be led towards the Gaol, and makes his Escape, &c. the Persons that had him in charge, may kill him if they cannot otherwise take him, *Ibid.*

If a Prisoner in the Gaol attempts to escape, or break the Prison, if the Gaoler kill him, this is no Felony, *2 Aff. 35.*

Rioters, or such as make a forceable Entry or Detainer, make resistance, and not yield themselves to the Justices of Peace, or other of the Queen's Officers, if any such Offenders be killed, this is no Felony, *Lamb. 310.*

If the Sheriff, &c. cometh (by virtute of the Queen's Writ) to arrest a Man for Rent, Trespass, &c, who maketh resistance, and is killed by the Sheriff, or any any Company, this no Felony, *Stamf.* 13.

Note, In all these former Cases there must be an inevitable necessity, *viz.* if there was no possibility of taking the Offender without killing of him. In an Appeal of Felony, if the Appellant and Appellee do join to try it by Battle, and the one killeth the other, such killing is no Offence against the Law, 37 H. 6. 21. If it is of Champions in Trial upon a Writ of Right *Plowd.* f. 9. b.

There are three sorts of necessities. 1. A conservation of Life. 2. Of Obedience, as where the Wife stealeth with her Husband. 3. Of the Act of God or a Stranger.

Note, Necessity in case of Homicide, privileged only when it is inevitable.

If cases of Theft only, *quoad jura privata, sed non a let contra rem publicam*, Bacon 32.

To kill another in the necessary defence of his Person, his Possessions, his Goods, or some other Person which he is obliged to protect from danger, and which cannot otherwise escape, this is Homicide allowable being grounded upon necessity.

To kill one attempting feloniously to Murder Rob me in my Dwelling-house, or in or near any Highway, Cartway, Horseway or Footway, or feloniously attempts to break my Dwelling-house in the Night, my Servants or Company, whom the said Offender shall attempt to Rob or Murder, or any Person in a Dwelling-house may justify to kill them, &c. 23 H. 8. Hob. 96. Fitz. Coron. 5. 10, 11.

In these Cases there is no Forfeiture nor need of a Pardon.

If one comes to burn my House, I or any of my Servants may shoot at them out of the House, or may issue forth upon them, and kill them, for such intent theirs is Felonious, 20 Aff. 22. Bro. Coron. 100.

If a Woman kill a Person that attempts to Ravish her this is justifiable, Ba. 34.

If divers be in danger of drowning by Shipwreck, otherwise, and some of them get upon a Plank, &c. and another to save his Life, thrusts them from it, where they are drowned; this is justifiable.

A Felon escaping out of Prison, the Gaoler pursuing him, upon resistance or refusal to yield may kill him.

ut otherwise if in Prison only for Debt, *Rolls Rep. second part 187.*

If a Man forceably obtains and keeps Possession of my House, and I come in the Night and fire the House, they within cannot justifie to shoot or kill me, or any of my Compay, for that they in the House were there unlawfully, *Crompt. 26. Dalt. cap. 109.*

If one (in the day time) entreth into my House, and there assault and beat me, and I kill him in defence of my person, yet I shall forfeit my Goods, and must have the Queen's Pardon, without it be so found that he came there with a felonious intent to Rob and Murder me, *Fitz. Coron. 305. 5 Co. 91. b.*

If one cometh by Day or by Night, to enter into my house, pretending Title thereunto, and puts me out of possession, and I kill him, this is Manslaughter in me, if it seems.

If one kill a true Man in defence of his Person, it must be upon such inevitable necessity, as that he could not otherwise escape without being killed, maimed or wounded, and notwithstanding he kill him upon such necessity, yet he shall forfeit his Goods and Chattels, and not have his Pardon of course for his Life and Lands, *Fitz. Coron. 116. 5 Co. 91.*

If *A.* make Affray upon *B.* and *B.* before he flies gives *A.* divers Wounds, and then flies to a streight, and *A.* pursues him, and there *B.* gives him his Mortal Wound, this is Homicide in his own defence, *Fitz. Coron. 284. 286. Stamf. 15.* But if *B.* upon Malice premeditated given *A.* the first stroke, and then *B.* flyeth to a streight or Wall, and *A.* pursueth him, and striketh him, and *B.* killeth *A.* thereupon, this is Murder in *B.* for Malice premeditated was the Ground and the original of it, *Fitz. Coron. 228. 387.* Yet notwithstanding that there had been former Malice betwixt them, and both met suddenly, and *A.* assaults *B.* who before any stroke was given him, flyeth as far as he can, and *A.* pursues him, then *B.* kills him, this seems to be Homicide in his own defence, notwithstanding the precedent Malice. *A.* and *B.* (there being a former Malice between them) met accidentally in London Streets, *A.* tells *B.* that he would fight with him, *B.* answers that he had nothing to say to him, and thereupon goes to the Wall, *A.* assaults him, then *B.* strikes and kills him, yet being found that *A.* began the Affray, *B.* was discharged without forfeiting any thing, but that was by force.

of the Statute of 24 H. 8. cap. 5. 15 Eliz. Capton's Case Dalt. 109.

If a Thief assault me either to rob or kill me, I am not bound to flee to a Wall, no more is any Officer Justice in the executing of his Office, *Stamf.* 14.

A Servant may justify the killing of another in defence of his Masters Person or House, if the hurt cannot otherwise be avoided, *Bro. Cor.* 63. So he may kill one that robbed and killed his Master, so that it be done presently, 21 H. 7. 39.

I may justify the beating of another in the defence of the Possession of my Goods, but cannot kill him unless he be a Thief that would have taken them from me.

If a Park-keeper, &c. kill an Offender in his Park &c. after Hue and Cry levied, and not yielded to, it is no Felony, *Crompt.* 30.

The Law is so, where a person is slain who disobeyeth an Arrest, which is in Execution of Justice, by an Officer in keeping of the Peace, *Vide Stat.* 178. §. 3.

Horses.

WHere stolen Horses, &c. are sold in open Fair any Justice within six Months may hear and determine the Claim of the Owner, &c. 31 Eliz. cap. 1.

In all Fairs, &c. where Horses, &c. are to be sold; certain place shall be appointed for the same yearly also a sufficient person to take Toll, who shall continue in the place from the hour of ten in the Forenoon till Sun setting. And note, The sale of every Horse so contrary to the Statute, 2 & 3 P. & M. cap. 7. which provides,

1. That every Horse be in the Fair at least one hour between ten a Clock and Sun-setting.

2. That all Parties to the Bargain shall come with the Horse to the Book-keeper, &c.

3. That the Book-keeper, &c. shall take knowledge of the Christian Name, Surname, Mystery and place both of the Seller and Buyer, and Register the same together with some especial mark and price of the Horse and subscribe the same.

4. That Toll shall be paid where due, and the Book-keeper make his Entry.

If a Thief shall sell an Horse in the Market, &c. by a false Token, and register the same, if the Buyer know the Horse was stolen, or if the Horse be sold on the Sabbath; in all these Cases the Sale shall not alter the Property.

A. steals an Horse and sells it in Market Overt, by the Name of the Horse of B. the Property is not altered, *wen Rep. fol. 27.*

No Commoner in any Forest, Moor, &c. in the County of Norfolk, &c. shall put to Common any Stone Horses under the height of fifteen handfuls, upon pain of Forfeiture of such Horses, 32 H. 8. cap. 13. 8 Eliz. cap. 8. Jac. cap. 28.

If a person find such Horse therein, he shall go to the Keeper of the Forest, &c. or to the Constable, &c. commanding them to bring the Horse to the Pound, there to be measured, &c.

Justices and Stewards of Leets shall enquire of the Commissions against that Act, and certifie the Presentments at the next Sessions, or to the *Custos Rotulorum* within forty days; and the Justices shall determine the same; if the Steward do not certifie, &c. the Presentment, he shall forfeit 40 s. to the Queen and Informer. *Ibid.*

It is lawful for any person to transport Horses and Cares to any part beyond the Seas, paying for such Horse the Sum of 5 s. only, 22 Car. 2. c. 13.

Houses of Correction.

Justices at the Quarter Sessions may make Order for the erecting Houses of Correction, 39 Eliz. c. 4.

All Fines by the Act, except, &c. shall be employed for the reparation of Houses of Correction, *Ibid.*

The Lord Chancellor may grant his Commission to enquire of Moneys collected for the maintenance of Houses of Correction, *Ibid.* This Statute is continued by 3 Car. 1. c. 4. 16 Car. 1. c. 4.

Any person seized in Fee-simple, may by Deed incorporated in Chancery, erect an Hospital House of Correction, 39 Eliz. c. 5. 2 Inst. 720. 21 Jac. c. 1.

A House of Correction shall be provided (in every County where there is not one already) by the Justices

of Peace, &c. or forfeit 5 *l.* to be employed for the erecting, &c. of such House, 7 *Jac. c. 4.*

The Sessions may appoint Governors of Houses of Correction, who have power to set on work Vagabonds &c. *Ibid.*

Justices may appoint a yearly allowance to such Governors, to be paid quarterly by the Treasurer, appointed by 43 *Eliz. c. 2. Ibid. 2 Inst. 720, 728.*

If such Governors shall not give a true Account, &c. to every Quarter-Sessions. The Justices may there fine him at their discretion, *Ibid.*

A Justice of Peace may commit any idle person to the House of Correction, but not order him to be whipt till Conviction, 1 *Sid. 281.*

Bridewell is a Prison for Correction, and not the Sheriff's Prison for Felons, and one may be sent thither tho' the Offence be not Felony; and the cutting of Wood standing, to be punished by whipping, *Style 27.*

The House of Correction is for the Poor of the Parish that refuse to work, there they are to be whipt, and set on work, 2 *Bulst. 358.*

If a Woman be delivered of a Child in the House of Correction, the Child must be sent to the Parish from which the Mother was sent, *Ibid.*

A Rogue may not be sent to the House of Correction but whipt, and sent to the place where last settled (known) else to the place of his Birth, *Ibid.*

Hunting.

A Justice, where there is unlawful Hunting by Night, and with disguises in any Forest, &c. may upon Information of any person suspected convene him before him, and examine him of that Hunting, &c. and if he conceal the same, such Concealment shall be Felony; if he confess the Offence, it shall be but Treason, &c. Also the disobeying such a Warrant or making Rescous, &c. is Felony, 1 *H. 7. c. 7.* If he do not confess, he may be bound to the Good Behaviour, lest he make his Escape.

Any person which shall enter into any Park, &c. to hunt, &c. shall be imprisoned eight months, pay treble Damages, and be bound with Sureties to the Good Behaviour for seven Years, or continue in Prison seven Years, 5 *Eliz. c. 21.*

Justice

Justices in their Sessions may determine the Offence of hunting, &c. against the Statute, *Ibid.*

Also the party grieved upon satisfaction, &c. may release the Suretiship at any time, See 3 *Jac. c. 13.* which continues the former Statute to all Parks made before that time, and as to hunt, &c. by Night.

If any kill Hares in the Snow, they shall forfeit 6 s. 8 d. 4 *H. 8. c. 10.* See 13 *Car. 2. c. 10.*

One Justice may by Warrant, &c. authorize any Gamekeeper (at the appointment) of any Lord of a Manor, not under the degree of an Esquire, to search the Houses, &c. of persons suspected to keep Guns, &c. 22 & 23 *W. 2. c. 25.*

If any person shall chase, &c. any Conies, he shall payable Damages, and be in Prison three months till he find Sureties, &c.

If any person in the Night shall kill, &c. any Conies upon the Borders of any Warren, &c. without leave of the Owner, he shall make him such Satisfaction, &c. as shall be appointed by such Justice, before whom he shall be convicted, and also pay to the Poor, &c. as the Justice shall order, *Ibid.*

If any person shall be found setting any Hare-pipe, &c. he shall be convicted and punished, *ut supra*, and may appeal from such Justice to the next Quarter-Sessions, where the Judgment shall be final, *Ibid.*

No person not having a Park, &c. may keep Deer-hays, &c. on pain to forfeit 10 l. *per mensem*, 19 *H. 7. p. 11.*

No person shall stalk with Bush or Beast any Deer, &c. without leave of the Owner, &c. on forfeiture every time of 10 l.

Stat. 3 & 4 W. & M. cap. 10. If any persons shall unlawfully course, hunt, take in Toyls, kill, wound or take away any Red or Fallow Deer in any Forest, Chase, Purlieu, Paddock, Wood, Park, or other Ground enclosed, where Deer are or shall be usually kept, without the consent of the Owner, or person intrusted with the keeping thereof, or being aiding therein, and shall be convicted by Confession or the Oath of one Witness before a Justice of Peace of the County where the Offence shall be committed, or the Party apprehended, within a twelve month after the Offence done, they shall forfeit for every such Offence 20 l. And for every Deer wounded, taken or killed 30 l. to be levied by Distress and Sale

of Goods by Warrant from the Justice before whom the Conviction shall be made, the one third part to the Justice, the other third part to the Poor of the Parish where the Offence shall be committed, and the other third part to the Owner of the Deer. And for want of a Distress, they shall be imprisoned a year, and set in the Pillory an hour, on some Market-day, in the Town or Place adjoining to the place where the Offence was committed, by the Chief Officer of such Market Town, or his Under-Officers.

Constables, Headboroughs and Tything-Men by a Justice's Warrant may enter and search, as for stolen Goods, the Houses and other places of suspected persons; and if any Venison or Skins of Deer or Toys be found, shall carry such Offender before a Justice of Peace, and if he do not give a good account how he came by them, and at some convenient time produce the Party of whom he bought them, or prove such Sale upon Oath, he shall be convicted of such Offence, and be subject to the Penalties hereby inflicted for killing a Deer.

The Constable or other Officer or Persons prosecuting may detain such Offenders in Custody, if they do not presently pay the Moneys due by the Conviction, till return may be made of the Warrant for Distress, such Detainer not exceeding two days.

Owners of any such Deer, or any acting under them may resist such Offenders, and be indemnified, as if such Fact had been committed in an ancient Chase or Park.

No *Certiorari* shall be allowed to remove any Conviction or other proceeding upon this Act, unless the Party convicted shall before it be allowed become bound to the Prosecutors in 50 *l.* with Sureties to be approved by the said Justice, to pay within a month after the Conviction confirmed, or a *Procedendo* granted, their full Costs to be ascertained upon Oath.

No Offender punished by virtue of this Act, shall incur the penalty of any other Law for the same Offence.

Persons prosecuted for any thing done in pursuance of this Act, may plead the general Issue, and give the special matter in Evidence.

If any Person shall in the Night time pull down or destroy, or cause to be pulled down or destroyed the Park or Walls of any Park, Forest, &c. or other Ground inclosed, where Red or Fallow Deer shall be kept, such persons being convicted by Oath of one Witness before

Justice

Justice of Peace, shall by such Justices Warrant suffer Imprisonment for three Months.

See before *Tit. Game*.

Hue and Cry.

THE Words signifie a Pursuit of such as have committed Felony and fly for the same, and this every Justice may cause to be levied, when any Murder, &c. is committed, See 13 *Ed. 1. c. 1. Stat. of Winchester*.

Any person in the Company of one Murdered or Robbed, may forthwith repair to the next Constable, &c. and give notice thereof, and cause him to raise Huy and Cry after the Felon.

The party Robbed ought to give convenient Notice so soon as he can, *Noy 155.*

Yet the party Robbed is not bound to lend his Horse to pursue the Thief, nor is he bound to go and pursue the Thief presently.

An Oath made of a Robbery before the Justice of the County, though taken out of the County, is good, *Cro. 212.*

Robbery after Day-break and before Sun-rising (the Hundred must answer) so it is after Sun-set and before it is dark, 2 *Cro. 106.*

Tho' the party know the Robber, yet he shall have an Action against the Hundred, See *March 10. pl. 18. quer.*

All Hue and Cry must be made immediately after Notice, from Town to Town, from County to County, and by Horse-men, and Foot-men. 28 *Ed. 3. cap. 11. Eliz. c. 13.*

The Officer of the Town where Huy and Cry is levied ought to send the same in Writing to every Town about, with a description of the Felon, &c.

All Officers where Huy and Cry shall come, must search all suspected Places, and seize all suspected persons, and carry them to some Justice to be examined.

Vide Presidents, Numb. 138, 142.

Indictments.

AN Indictment is the Queen's Bill or Declaration in form of Law by way of Accusation against one or more for some Offence, either Criminal or Penal, and is prefer'd unto Jurors, and by their Verdict found presented to be true, before a Judge or Officer, who has power to punish, or certify the Offence.

Indictment signifies in Law an Accusation by an Inquest of twelve or more upon their Oath, and in Latin is called *Indictamentum*, Co. Lit. 126. b. A Presentment is a Declaration of the Jurors without any Bill offer'd before them, but an *Indictment* is grounded upon the Accusation of a third person.

Care must be had that the *Indictment* be carefully drawn both for the matter and form, to which end;

In all Indictments of Felony or Trespass, it is good to say *Against the Peace*, or Words *Tantamount*.

These Words *with Force and Arms*, to wit, with Swords &c. are not always necessary, yet it is good to use them (especially if the Fact require it) because such Circumstances do aggravate or diminish the Offence, Lamb. 484. Stamf. 94. 17 H. 8. c. 8. But in an *Indictment* of Forecable Entry they are needless, because the Word *Force* implies as much.

In all Indictments for Treason, Murder, Felony or Trespass, the Words (*with Force and Arms*) are necessary otherwise of Offences against the Peace only, as Conspiracies, Slanders, Deceits, Escapes for Debt, &c. In Indictment upon Statutes, it is not needful nor safe to recite the Statute, for the Mis-recital in the Matter Year, Day, or Place is fatal. But it is safe to conclude it thus, *sc. Against the form of the Statute in such Case made and provided*, or of divers Statutes, &c. where there are many Statutes that concern the Offence, 4 Co. 48. Dyer 363.

Though the Statute need not be recited, yet the substance and material Words of it must be fully set down, Plowd. 79. Co. Lit. 98. b.

Indictments being in the nature of Declarations for the Queen must contain certainty, for they cannot be supplied by Intendment, 5 Co. 120. Plowd. 84. 122. And therefore these things are requisite in them.

1. The Names and Surnames both of the Parties indicted, and offended, with the Addition of the Degree, Mystery, and Dwelling-place (both Town and County) of the person indicted, if it be possible; but an Indictment against unknown persons, or taking the Goods of a person unknown, &c. may be good, *Bro. Indict.* 6, 10, 11. *Howd.* 85. *b. Lamb* 476, 478.

2. The time, *sc.* the Day and Year when the Offence was done.

3. The Place, *sc.* the Town and County where it was done, as at C. in the County of S.

4. The Name or Quality of the things in which the Offence is done, *sc.* of dead things, it may be Goods and Chattels, expressing them in certainty; of living things, Horse, Ox, &c. but not Goods and Chattles: So of Entry, &c. to express whether it be House, Land, Meadow, &c.

5. The value or price of the Thing is to be set down to aggravate the Fault.

6. The manner of the Fact, and nature of the Offence, Felony, Trespass, &c. See *Bro. Indict.* 7. and 36. *Lamb* 40.

The Jury are not so strictly tied to the form of Indictments, as to the manner of Fact. But they ought to be framed so near as may be to the Truth, *Dalt.* c. 142.

Falſe Latin ſhall not vitiate the Indictment, 5 Co. 11.

Note, That Words of Art (allowed by the Sages of the Law, as *Meſſuagium*, *Toſtum*, &c. though not by the Grammarians) ought to be uſed; for all Sciences have their *Verba Artis*.

But falſe Writing or incongruous Latin, *Wiginti* for *viginti*, *prefato* for *praefato*, &c. though they ſhould not be ſo uſed, yet they will not make void an Indictment or Deed, 10 Co. 133.

Yet Words inſenſible, eſpecially Words of Art falſly written, as *Murdredum* for *Murdrum*, *Burgariter* for *Burglariter*, *Feloniter* for *Felonice*, &c. (being not Latin Words or Words of Art) will void an Indictment, except they be Surpluſage, 4 Co. 39, 42. and 10. 133. *Quare*, if they be amendable,

An Indictment againſt four for ſeveral Offences, it ought to be *ſeparaliter*, *Palm.* 368.

One may be indicted for disobeying an Order of Sessions ; but *Quære*, if a Justice of Peace may commit or for disobeying an Order of Sessions.

Evil addition or no addition of a Party indicted cured by his appearance, 1 *Syd.* 247.

One indicted for drawing his Sword in *Westminster-Hall* the Court sitting, *Owen* 120.

An Indictment for striking in the Church-yard, *M* 169.

An Indictment naught because the Names of the things were not put in, *Noy* 41.

An Indictment naught, because no place is put until after the *alias dictus*, *Noy* 32.

Information.

THERE are two sorts of Informers, taken notice of both by the Common and Civil Law, First, *voluntarius* ; Secondly, *Necessarius*, *qui invitus facit propter officii necessitatem*, such are the Queen's Attorney, and Clerk of the Crown in the *Queen's-Bench*; and these are *Honorary*. Severe Laws have been made for the regulating of Common Informers, by which Provision is made,

1. That every Informer shall exhibit his Information in person, or by Attorney, and not by Deputy, 18 *Eliz. cap. 5.*

2. None shall pursue upon any Penal Statute, but by Original Action or Information, and not otherwise.

3. Upon every Information, note shall be made of the Day, Month and Year, of exhibiting thereof, without antedating, and to be accounted of Record from that time, and not before.

4. Until the Information be exhibited in form aforesaid no Process shall issue, and upon such Process, as well the Name of the Prosecutor, as of the Statute whereupon he proceeds shall be indorsed.

5. The Clerk which doth contrary-ways shall forfeit 40*s.* to the Queen and Party prosecuted.

6. No Informer shall agree with the Offender without the Courts leave.

7. All persons, except Clerks in Court, offending against this Act (being thereof convicted) shall stand two hours in the Pillory in the next Market, and be disabled

to be an Informer, and forfeit 10 l. to the Queen and Party grieved.

8. If any Informer delay his Suit, discontinue, be consulted, or if a Verdict and Judgment pass against him, shall pay Costs to the Defendant.

But this Act shall not extend,

1. To Officers of Record who have used to exhibit Informations.

2. Nor to Informations on the Statutes of Maintenance, Champerty, buying Titles, or Embracery, as to the Parties grieved.

3. Nor to Persons to whom any Forfeiture is given in certainty.

The Sessions may hear and determine Offences against this Act, which is made perpetual by the Statute of Eliz. 10.

No Man shall be an Informer at, or in any of the Queen's Courts, that is disabled for any Misdemeanour, Eliz. 5.

A County must be alledged, for it is traversable by the Defendant, except in Champerty, and Offences against 1 Eliz. 11. and 1 Eliz. 20. For Tonnage and Poundage, Usury, Regrating, Forestalling or Ingrossing, where the Penalty exceeds 20 l. every Suit for an Offence, the Forfeiture whereof is given only to the Queen, shall be brought within two Years after the Offence. And where the Forfeiture is given to the Queen, and another, within one Year, except on the Statutes of Village, by the Party that will sue, or in his default within two Years after by the Queen, 31 Eliz. cap. 5.

All Suits for using unlawful Games, or for using a Trade without having been an Apprentice, shall be determined only in the Sessions or Assizes of the County, *Ibid.*

If the Defendant in a Popular Action plead a Recovery in Bar, the Plaintiff may aver that it was by Coram, and if it be found, the Plaintiff shall have Judgment, and the Defendant be imprisoned for two Years, and a Release of the Party shall not avail him, H. 7. cap. 20.

Every Informer upon penal Statutes before Justices of Assizes, &c. or at the Sessions shall try his Suit of Action, Bill, Plaint, Information or Indictment before the Justices of Assizes, or of the Peace of that County, City.

City, Town Corporate at his Election and not elsewhere, 21 Jac. cap 4.

The Process shall be awarded as is usual in Actions *Vi & armis*, at the Common Law, *Ibid.*

Informations against such as shall not frequent the Church, for Champerty, &c. for transporting of Gold, Silver, Ordnance, Powder, Shot, Munition, Woollfel or Leather, &c. may be laid in any County *Ibid.* §. 5.

No Officer shall file any Information, &c. on a Penal Statute which by the same is to be tried in the proper County, till the Informer make Oath that the Offence was not committed in any other County, than where he lays it, *Ibid.* §. 3.

The Defendant to any Information, &c. may plead the General Issue, and give the special Matter in Evidence, *Ibid.* §. 4.

An Information against one for forging an Entry in Parish Book of Marriages, and the Party fined, 2 Syd. 7

Touching Informations observe.

1. That the same person cannot exhibit two Informations, though in several Courts; and the Defendant may plead the first in Bar to the second, *Hob.* 209.

2. If two Informers exhibit Informations against the same Person for the same Offence on the same Day both are void, *Hob.* 128.

3. Informations, &c. on Penal Statutes are *Stricti juris* and excepted out of all Statutes of Jeofails.

4. The Statute of 21 Jac. 4. doth not give any Jurisdiction to our Justices where they had none before. See *Cro. Car. Farrington's Case*, and *Green's Case*, 112 146.

5. The Party grieved may bring his Information, &c. in any County; for the Statute of 31 Eliz. 5. extendeth not to him *Cro. Eliz.* 645. *Allen's Case*.

6. If Jurisdiction be given to the Sessions they shall try by Indictment, and not by Information, except it be expressly given them by the Statute, *Jones Rep.* 133.

7. Where the Suit is given to the Queen's Courts of Record, or to any Court of Record, it is intended that the Courts at *Westminster*, *Jones Rep.* 193.

gent June

In an Information *tam, quam*, if the Informer die or do not prosecute, yet the Attorney General may prosecute for the Queen. So likewise the Informer may proceed notwithstanding a *Nolle prosequi* for the Queen, *Inst.* 194.

Innholders. See Alehouses.

Judgment.

FOR the Judgment in Treason and Petty-Treason, the Justices are not to meddle therewith, and whoever is minded to search the same may look into *Simsf. lib. 3. cap. 19.* and my Lord Coke's *Pleas of the Crown*.

In case of Felony, the Judgment is, *You shall be carried back to the Prison from whence you came, and from thence be led to the place of Execution, and there be hanged by the Neck till you be dead; And the Lord have Mercy upon your Soul.*

In cases of Petty Larceny the Justices may award the Party to be whipped at the Carts-Tail or Whipping-Post, for Whipping is now become the usual punishment, though formerly it was punished by Pillory, cutting off the Ears, &c. *Co. 3. Inst. 218.*

By many Statutes peculiar punishments are appointed for divers Offences: And in these Cases no room is left for the Justices Discretion; for if the Queen cannot alter the Execution, much less an Inferior Court. And therefore the Course in some Counties, to admit a Party indicted on a Penal Statute, to submit with a protestation, Not-guilty, and thereupon to mitigate the Penalty, is not warrantable.

If a Woman be convicted of taking Goods above the value of 12 *d.* and under 10 *s.* or as Accessory to such Offence for which a Man might have his Clergy, she shall for the first Offence be marked upon the Brawn of her Left Thumb, with a burning Iron with a T in open Court, and be farther punished by Whipping, &c. or by being imprisoned not exceeding one Year, as the Court shall think fit, *2^d Jac. 6.*

But if she offend the second time, she is to have Judgment of Death, as she was to have had at Common Law.

Since

Since this, by the Statute of 3 & 4 W. & M. *cap.* It hath been Enacted, That if a Woman be convicted an Offence, for which a Man might have the benefit of his Clergy, upon her Prayer to have the Benefit of this Statute, Judgment of Death shall not be given against her, but she shall suffer the same Punishment that a Man should suffer, *viz.* be Burnt in the Hand and further be kept in Prison, not exceeding a Year.

Jurors and Challenges.

THIS way of Tryal was contemptorary with the Foundations of the Government, and hath continued ever since under all the Revolutions of times. *questionem juris respondent iudices, ad questionem facti respondent Juratores.* This is so great a Birth-right, that every Subject which refuseth it, is to be punished with *perpetua fort & dure.*

In Matters of Crime and Forfeiture, every Englishman is to pass a double Jury before he be condemned, *viz.* the Grand Jury, to find the Bill, and the Petty Jury to find the Fact.

Jurors are returned by the Sheriff by virtue of Precept to that purpose, against which at Common Law both Queen and Subject had two lawful Challenges Peremptory, and upon cause shewed.

It is provided by 33 Ed. 1. *Keb. Stat.* 69. That in case of Felony, the Queen shall not Challenge Peremptorily but must shew cause, which shall be Tried, and if not found sufficient, rejected.

Yet the Peremptory Challenge remaineth for the Part but it is abridged by 32 H. 8. *cap.* 3. for whereas at Common Law he might have challenged Thirty five without cause shewed, it is now reduced to Twenty, and if Challenge beyond that number, it is a waving of the Tryal. But he may challenge as many as he please if cause shewn, which shall be Tried as before.

If any Juror be returned at the nomination of any other than the Sheriff or his Bailiff Sworn, the Indictment is void, by Stat. 11 H. 4. 9. Every Juror ought to be *liber & legalis homo*, *liber*, *i. e.* not a Villain, *legalis*, not Attainted or Outlawed in a Personal Action, for that seems to be a cause to set aside the Indictment, *Jon Rep.* 196.

Jurors ought to be duly Impannelled and Returned, and Jurors which pass upon Men in Tryals for High Treason, ought to be Freeholders, *Anno primo W. & M.* 2. cap. 2.

Where Jurors are Outlawed their Acts are void, and if not Returned by the Sheriff, *Ley* 81.

In an Appeal of Manslaughter, the Defendant may challenge twenty peremptory, *Moor* 12.

Jury-men likewise ought to be sufficient, 1 *Respectu* *infus*, every one must have Forty shillings Freehold *per annum*, but if he be not challenged, the Tryal is good.

Respectu *rationis*, no Ideot, Lunatick, &c. See now the Statute 23 H. 8. 13. Every Subject having the clear value of Forty pounds, except Knights and Esquires, may serve in such Juries.

Foreigners are to have a peculiar way of Tryal, *de* *multi* *tate* *linguæ*, six English and six Foreigners, if there be so many in the place, if not, as many as may be found there, and these may be of any Nation, but the Party must pray such Jury. *Note*, Persons calling themselves *Aegyptians*, are ousted of this benefit, by 1 & 2 P. 1 cap. 4.

It is a good Challenge to a Juror, That he was one of the Parties Indictors, See Statute 25 Ed. 3. 3.

See more fully for cause of Challenge in Criminal Matters, *Stamf. fol. 157.b.* and *Coke 1 Inst. fol. 156.*

Justices may enquire of Concealments by other Jurors, 3 H. 7. cap. 1. § 4. And amerce the same, *Note*

1. The Matters which they punish must be such as may be presented before the Justices.

2. The Concealments of Inquest taken before Justices out of Sessions, or before Coroners, or in Leets, or in the Sheriffs Turn, may be enquired of before them in the Sessions.

3. Every Juror which shall enquire of such Concealments must have Forty shilling Freehold *per annum*.

4. Such enquiring must be of Concealments by former Juries, of Matters presented before them, or Ellis.

5. Such Enquiry must be made within the Year after such Concealment, *Vide Lamb. 386, 387.*

6. The Amercement must be reasonable, although it be directed to be by discretion.

7. The Inquest ought to consist of as many or more, as the first Inquest did.

8. Notwithstanding any Complaint, yet the Justices may take or refuse such Inquest as they see cause.

9. Such Amercement must be set in full Sessions.

The Jury upon any Issue (if they doubt of the Law) may give a Special Verdict, and this by the Common Law, before *West. 2. cap. 30.* See *Co. 2. Inst. 425.*

Every Juror between Party and Party in the Court at *Westminster*, at the Assizes, &c. Oyer and Terminer, or General, or Quarter Sessions of the Peace, shall have in his own Right or Interest, for him within the same County, Twenty pounds *per annum* Freehold above Rents, and if he have not so much, it shall be a just cause of Challenge, Statute 16 and 17 *Car. 2. cap. 3.* But this Statute is expired.

By the Statute of 3 & 4 *Ann. cap. 18. §. 5.* Justices of Peace shall yearly during the continuance of the Act 7 & 8 *W. 3. cap. 32.* (which Act was continued, 1 *Ann. cap. 13.* from the Expiration, which was the end of the next Session after May 1703, for 7 Years) at their Quarter Sessions to be holden next after the 24 of June, Issue Warrant to the Head Constables of every Hundred, requiring them to Issue their Precepts to the several Constables in their respective Hundreds, thereby directing every one of them to meet together with the said High Constables of the Hundred within 14 Days after the Date of such Precept at some usual place in the Hundred, where and where they shall prepare, and make a true List faithfully Written and Signed by them of the Names and Places of Abode, of all such Persons within the respective places for which they serve, as are qualified to serve on Juries, between the Age of One and twenty and seventy Years, according to the directions of the Acts of 4 & 5 *W. & M.* and the said Act of 7 & 8 *W. 3. (cap. 32.)* Which List shall be returned and given to the Justices in open Court at *Michaelmas* Sessions yearly. And every Head Constable failing in his Duty herein shall forfeit 10 *l.* and a Petty Constable 5 *l.* And shall be prosecuted for the same at the Assizes.

This Act and those of 4 & 5 *W. & M. cap. 24.* and 7 & 8 *W. 3. cap. 32.* shall be yearly read publickly in Court every *Midsummer* Sessions.

Justification.

THE Constable may justifie the Imprisonment of one that leaves a Bastard Child in a Church-Yard, *100r 284.*

An Assault made upon him that takes my Goods, and will not them deliver, is justifiable, *Kelw. 92. a.*

To kill a Thief or a Burglar in defence of a Man's person or House, is not Felony, *110b. 96.*

Larceny.

Larceny is derived from the Latin word *Latrocinium*, which signifies properly a Fraudulent and Felonious taking away another Mans personal Goods, removed from his person, and against his will.

This differs it from Robbery, which is always the taking of something from the person. Larceny is twofold, either Grand Larceny, when Goods are stolen, which be above the value of Twelve pence, and this is Felony of Death, except the Offender be favoured by the Clergy.

If the Goods be of the value of Ten shillings, or more, yet if the Jury finds that they exceed not the value of Twelve pence, it shall not be adjudged Grand Larceny.

Petty Larceny is, when the Goods stolen exceed not the value of Twelve pence. The punishment of this Offence is Imprisonment for a time, and then to be whipped.

Though this be not Felony of death, yet the taking is Felonious, and accordingly the Indictment must be *God Felonice cepit*, and the party shall forfeit all his Goods and Chattels, *Dalt. cap. 12.*

This Offence, as to some Matters, is but in the nature of a Trespass, and the Procurers, Receivers, &c. and no Accessories, yet they may be sent to the House of Correction, or otherwise punished.

If a Person steal Goods to the value of Four pence at one time, of Six pence at another time, and after that again of other Goods to the value of three pence, and all these from one Man, they may be put together in one

Indictment, and the Party shall have Judgment of Felony, *Stam.* 24.

If two or more together steal Goods above the value of Twelve pence, it is Felony of Death in them all, and that severally, though the taking be joint, *Stam.* 24.

In both these sorts of Larceny, two things must concur, *sc.* the taking and removing of the Goods, with an intent to steal them, and the Indictment is *cepit & asportavit*, or *cepit & abduxit*.

Yet in some cases where the Goods are delivered, yet the stealing of them may make it Felony.

As if a Taverner set a Plate before his Guest to drink in, and he carry it away, for he gave not the possession, but the use of it, *Stamf.* 25.

So it is, if I deliver Goods to a Carrier, &c. to carry to a place appointed, which he doth, and taketh them thence fraudulently; for the Bailment was determined; so if he take a parcel of the Goods, or carry them to another place and there conceals them. But it is held by some, that if he do not break open the Goods it is no Felony, for the property is not altered, *Stamf. Ibid.*

If *A.* lends his Horse to *B.* who rides away with him it is no Felony because of the delivery.

If a Clothier deliver Wooll, &c. to his Spinster, & to be wrought, who carries it away, it is no Felony but punishable by whipping, 7 *Jac. cap.* 7.

If I give Money to my Servant to keep, my Horse to my Groom, my Sheep to my Shepherd, and they run away with them, this is Felony at Common Law, for they had not the Possession, but the use of them, *Stamf.* 25.

By the Statute 21 *H.8. c.* 7. (which is made perpetual by the Statute of 5 *Eliz. cap.* 10.) If any Servant of the Age of eighteen Years, not being an Apprentice to whom Money, Goods, &c. of the value of 40 *s.* or more, shall be delivered him by his Master, to be kept for him, shall imbezel or convert the same, it is Felony, so as the Party be prosecuted within the Year.

If a Master deliver to his Servant a Bond to receive the Money upon it, or Goods to be sold for him, which he does, and imbezels the Money, it is no Felony within the Statute, because the Money was not delivered him by his Master, *Dyer fol.* 5.

But if the Servant receive 20 l. in Gold which he exchange for Silver, and runs away with it, is is Felony by this Statute.

The second thing required in Larceny, is the taking away, or at least removing of the Goods with a felonious intent.

As if the Guest take the Sheets, &c. out of his Chamber, and then goeth for his Horse; or if one take a Horse in the Owners Close, with an intent to steal, and be apprehended before he hath taken him out of the Field, *Lamb.* 577.

If a person steal a Tree or other thing which is part of the Freehold, or any thing that is *feræ Naturæ*, and is not reclaimed, it is no Felony; but the taking of a Tree, &c. which is severed from the Freehold, or a Deer, &c. which is made tame, is Felony.

Young Pigeons in a Dove house, and Fish in a Trunk, or old Pigeons taken out of a Dove-house is Felony at Common Law.

It is Felony to take any Swans marked tho' at large, so it is to take young Hawks or Herons out of their Nests, *Dalt. c. 114.*

It is no Felony by the Statute of 1 H. 7. cap 7. to steal or conceal a Hawk, &c. such things as are *feræ naturæ*, whilst they are in the possession of any person who hath qualified property in them, if they be taken away it is Felony, but it is not so if they be out of his possession; but if any Hawk be flying at a Fowl, or my Deer be hunted by my Dogs, and my Servant be with them, they are in my possession, and it is Felony to steal them.

Larceny cannot be committed by taking any Dogs, Parrets, Squirrels, Singing-Birds, &c. though reclaimed, because they are but matters of Pleasure, *Lambert* 70.

Flesh of Wild-beast or Fowl killed, if it be stolen it is Felony, though it be not taken from the possession of any Man; so it is to pluck the Wooll off the Sheeps Back and carry it away.

To take Lead off a House or Church, to take the Deeds of a Man's Lands, or any Specialty, or other Writing, though in a Box, is not Felony, for these are part of the Freehold, or of the nature thereof.

Where there is a certain Owner of Goods, though the Owner be not known, yet it is Felony to steal them, and therefore an Indictment for stealing, *bona ejusdam*

ejusdam hominis ignoti, or bona parochianorum, &c. is good Dyer 99.

But where it is uncertain who can be the Owner and have the general property of Goods, there that is no Theft to take them away ; as Treasure-Trove, Wreck-goods, Waived or Estrays, *Stamf. 25. Bro. Coron. 176.*

The stealing of a Winding-sheet from a dead Carcass was held to be but a Misdemeanor, and the Offender was Whipped for it at Cambridge Assizes, 1617. *Dalt. 6. 114.*

Note, A Man may commit Felony by taking his own Goods, as if *A.* lends Goods to *B.* to keep, and after takes them away with an intent to charge *B.* this is Felony in *A.* though the Property was in him, *Bro. Coron. 147. Stamf. 26.*

If a Feme Covert steal by constraint of her Husband, it is no Felony in her, *Fitz. Coron. 160, 199. Bro. Coron. 180.* Otherwise where she does by his command without compulsion, *Stamf. 26, 27.*

If the Husband and Wife steal Goods jointly, this is Felony in the Husband only, *Stamf. 26.*

The Wife without the Husband's knowledge may be either Principal or Accessory, as the Case is.

If the Wife steal Goods delivered to the Husband (without his knowledge) it is no Felony.

If a married Woman deliver her Husband's Goods to her Adulterer, this is Felony in the Taker.

If a Servant by his Master's compulsion steal another Mans Goods, it is Felony in them both.

A Bailiff distraineth secretly for Rent, and selleth the Distress, and upon demand of the Owner denieth the Goods, this is Felony, *Dalt. c. 115.*

If an Escheator or other Officer telleth a Man that he is Outlawed (knowing the contrary) and by colour thereof taketh his Goods, 'tis Felony.

If an Officer levies any Duty for the Queen without Warrant, it is Felony, *Dalton's Sheriff, cap. 115.*

So it is where an Officer levies a Duty without Authority, and converts the same to his own use.

See *Tit. Lodgers,*

Labourers and Apprentices.

Every Justice upon request may cause persons meet for Labour to work by the day in Hay-time, and in Harvest-time, or imprison them two days and one night in the Stocks, 5 *Eliz. c. 4. §. 22.*

One Justice may Licence such Labourers to go to their work from one County to another.

Any Justice may compel any meet person under the age of twenty one years, to be bound an Apprentice in Husbandry, as shall require it, and upon refusal to obey may commit the Party, *Ibid.*

An Apprentice is one who is bound by Covenant intended to serve a Man of Trade for certain years, to be instructed in his Art. See the Statute of 5 *Eliz. cap. 4.* What persons may be bound Apprentices by the Justices.

A Justice of Peace may take order betwixt Masters and their Apprentices, and for want of Conformity in the Master, may bind him over to the next Sessions, where the Justice, &c. for good cause may discharge the Apprentice; but if there be default in the Apprentice, the said Justice may send him to the House of Correction, *Jac. cap. 4. Dalt. c. 36.*

If an Apprentice shall Steal from his Master above the value of twelve pence, any one Justice upon proof thereof may commit him and his Complices; if under twelve pence value, they may be committed to the House of Correction, *Dalt. ibid.*

No Master, &c. shall put away his Servant at the end of his Term without having given him one Quarters warning before two Witnesses, nor before the end of his Term, saving for reasonable cause to be allowed of by Justice of Peace, &c. But an Apprentice cannot be discharged but by four Justices in open Sessions, 5 *Eliz. cap. 4. §. 35.*

If a Servant depart before the end of his Term unlawfully, or at the end of his Term without a Quarters warning, &c. Or if a person retained in Husbandry refuse to serve, or to take his allowed Wages, two Justices of Peace may examine the matter, and commit the faulty person without Bail, till he be bound to his Master to continue with him, &c. And yet one Justice may grant his Warrant to attach such Servant to answer at the Sessions,

sions, &c. or to send such disorderly Servant to the House of Correction, 7 *Jac. c. 4. Dalt. c. 36.*

Any person unmarried, or person married under the age of thirty years, and brought up in any Art, &c. in the Statute mentioned, is compellable to serve in the same, except he have 40 s. in Land, &c. or 40 l. of Goods allowed of by two Justices, &c. or some Farm of Tillage, 5 *Eliz. c. 4. §. 4.*

Also every person between the age of twelve and three score not retained by the said Statute, nor a Gentleman born, &c. shall be compelled to serve in Husbandry by the year, *Ibid. §. 7.*

Two Justices may imprison without Bail the Master for ten days, or the Servant for twenty one days, who shall give or take excessive Wages, *ibid. §. 18.*

The Wages of Servants, &c. shall be assessed at every Quarter Sessions, and also of Artificers of Handicraft and Labour, according to the said Statute, of which Rates Proclamation shall be made.

Every Justice shall be present at the taxing, not having reasonable cause of absence to be allowed of by the Justice, or forfeit 10 l. *Ibid. §. 17.*

No person may retain a Servant for less than one whole year in certain Trades, 5 *Eliz. c. 4. §. 3. Co. Lit. 42. b.*

And note, That a retainer or promise of payment of Wages contrary to this Statute, and every Bond to such purpose shall be utterly void. *Ibid. §. 20.*

Two Justices may commit such Servants, &c. for one year, or less, as shall Assault his Master, &c. the Offence being by Confession, or two Witnesses, 5 *Eliz. c. 4. §. 21.*

Two Justices may compel any Woman aged twelve, and under forty years unmarried and out of Service, to be retained by the year &c. or commit her upon refusal till she be bound to serve, *Ibid. §. 24.*

By the Common Law no man is prohibited to work in any lawful Trade, 11 *Co. 53. b.*

If a man bind himself not to use his Trade, the Bond is void; but if he bind himself not to use a Trade in a particular Town, 'tis good.

No man is prohibited at Common Law to use divers Trades. See 38 *Ed. 3. c. 2.* Therefore an Ordinance to restrain any one therein is void, 11 *Co. 54.*

No one shall use any Art or Mystery, &c. except he be brought up an Apprentice therein seven years. 5 *Eliz. c. 4. §. 31.*

Hemp-

Hemp-Dressers, makers of Hemp-Cloth, Nets and Tapestry, are excepted, 15 *Car. 2. c. 15*.

Any person may use privately any Trade for the use of the Family whereof he is a member, 8 *Co. 129*. but such a one cannot retain an Apprentice.

No Employment which requires not extraordinary skill to exercise it, is within this Statute, as Digging, Plowing, &c. 1 *Roll. Rep. 10*.

A man that holds Lands of his Lord to do certain days work yearly, shall not be compelled to Service, &c. *Temp. 185*.

If a man retain a Labourer, &c. to serve him generally, his Retainer is good for one year, and he shall be paid the Wages assessed by Proclamation, *Co. Lit. f. 42. b*.

A Master retaining a Servant of another mans, not having a Testimonial, shall forfeit 5 *l*. and he is bound to take notice of any Retainer within the same County, *Eliz. c. 4. §. 11. Bro. Notice 20*.

If a Servant depart without Testimonial, he shall be imprisoned till he procure one, which if he doth not within 20 days after, may be used as a Vagabond: The same Punishment if he be taken with a Counterfeit Testimonial. By the Retainer, the Servant is by Construction of the Law in his Master's Service immediately, 5 *Eliz. c. 4. §. 11*.

No Artificer, &c. who shall take any piece of Work by the Great, shall depart from the same without Licence, or other lawful Cause, upon pain of Imprisonment for a month, without Bail, and the Forfeiture of 5 *l*. to the Party from whom he so departs, 5 *Eliz. c. 4. §. 13*.

No Master can discharge his Servant during his Term without his consent, or for reasonable cause to be allowed by one Justice, or forfeit 40 *s*. 5 *Eliz. c. 4. §. 5, 7*.

A Servant may be discharged by Word, an Apprentice no otherwife than by Writing.

If a Servant be retained according to the Statute, his Master's Executors shall be chargeable to pay his Wages.

If a Servant grow Sick before the end of his Term, his Master cannot put him away, nor abate his Wages. *Dalt. c. 36*.

If a Servant refuse to do Service, its a departure in Law.

If a Master detain Wages, Meat or Drink, 'tis a good cause of departure, *Fitz. 11. B. 168. l*.

If

If a Servant depart, &c. unlawfully into another Shire the Justices, &c. may grant Warrants to the Sheriff &c. where such Servant is gone, to prison him till he find Sureties to serve again, 5 *Eliz. c. 4. §. 47.*

Justices shall enquire twice a year of the breach of this Statute, one moiety of the Forfeiture shall go to the Queen, the other to the Informer, and the Justices may determine the Offences, *Ibid. §. 37, 39. Hob. 183.*

An Indictment for retaining a Servant without a Testimonial, *Mod. Rep. 78.*

An Indictment for seducing an Apprentice, 1 *Keb. 814.*

A Master is bound to find meat and drink, and other Necessaries for his Servant, 34 *H. 6. f. 26.*

If the Master puts the Servant upon an unlawful Act the Master shall answer for it, *Moor 777.*

If a Servant fall sick, who is a covenanted Servant and hired for a year, and his Master turn him away, though being in his Service is a Settlement in that Parish, *Stilb. 168.*

An Apprentice by Indenture may not be discharged by word, 21 *H. 6. f. 32.*

A Servant retained may not depart his Master's Service without reasonable warning, 38 *H. 6. f. 13.*

A Labourer denying to do his Master's Command, is departure out of his Service, 3 *H. 6. f. 37.*

If upon the default of the Master the Indenture is not inrolled within the year, the Apprentice may sue it out and shall be discharged, otherwise if it be the Apprentices default, 2 *Rolls Rep. 305. Palmer 361.*

An Apprentice shall be discharged of a bad Master as well as the Master shall be discharged of a bad Apprentice, 1 *Saund. 315. Mod. Rep. 287.*

Justices of Peace may inflict Corporal Punishment upon an Apprentice, or discharge him from his Master, *Saund. 316.*

The Sessions have nothing to do concerning an Apprentice before it come before a private Justice, *Mod. Rep. 287.*

Leather.

NO Butchers shall Water any Hide but in *June, July* or *August*, nor sell Hides putrified, on pain of forfeiting 3 s. 4 d. for each Hide; nor use the Trade of a Tanner, on pain of 6 s. 8 d. *per diem*. 1 Jac. c. 22. § 5.

No person shall Tan Leather, &c. except he hath served, or been instructed therein for the space of seven years, or except the Wife, Daughter or Daughters Husband, to whom shall be left a Tan-house with Fats; or such Sons to whom a Tan-house shall be left, and who have used the Trade four years, upon pain to lose the Leather. *Ibid*.

No Tanner shall cut Leather, on pain to forfeit it or its value, *Ibid*.

No person, &c. shall buy, &c. Rough Hides or Calveskins, except a Tanner, &c. unless it be raw Hides for Sips, or forfeit the Leather or the value.

No person shall forestal Hides, or buy, but in Market, of the Owner who killed the Beast, &c. penalty 6 s. *Ibid*. § 7.

No Man not being a Tanner shall buy unwrought Leather, unless to work up the same into Wares, on Forfeiture of the Leather or the value, 1 Jac. c. 22. See there a large how Leather shall be tanned.

No Man shall sell any tanned Leather, and unwrought, before it be searched and sealed, &c. upon pain, &c.

See 4 Jac. c. 6. where the searching of tanned Sheepskins, made up in *England*, is repealed.

If any Tanner shall sell any Leather found by the Tryers not to be well Tanned, he shall forfeit as much as defective.

No Currier shall be a Butcher, Tanner, &c. on Forfeiture of 6 s. 8 d. for every Skin, &c. 1 Jac. c. 22. § 25.

Every Currier shall curry Leather brought to him in eight days in Summer, sixteen days in Winter, &c. in presence of the Party bringing it, if he desire it, on pain of 10 s. every Hide, &c. See the Statute how Cordwinders shall make their Shoes or Boots &c. and the power of the Company of Cordwinders in *London*, 1 Jac. 22. §. 26.

All Mayors, &c. (on pain of 40 l. to the Queen and Prosecutor) shall chuse and swear two Persons yearly to view.

view and mark Leather, and to seize such as is not w
Tanned, *Ibid.* §. 32.

The Tryers not executing their Office shall forfeit
The Mayors not electing such Tryers shall forfeit
If any deny any Search to be made in their Houses sh
forfeit 5 l. *Ibid.* §. 35, 40.

None shall put away any Leather, or carry it out of
Fair before it be registred, *Ibid.* §. 42.

Forfeited Wares shall not be sold to any that will
the same again, upon forfeiture of 3 s. 4 d. *Ibid.* §. 47.

Justices, Mayors, &c. in Sessions or Leet shall det
mine these Offences, *Ibid.* §. 50.

Customers, &c. shall seize Leather to be transport
or disclose it within forty days within some Court of R
cord, or forfeit 100 l. and for the second Offence his C
fice, *Ibid.* §. 54.

All Licences to dispense with any thing in this S
tute shall be void, *Ibid.* §. 57.

None shall Transport out of England, &c. any Skins
Hides of any Ox, &c. Tanned or Untanned, any oth
wise than is directed by 14 Car. 2. c. 7.

Every person which shall Transport any Hides, 8
according to that Statute, shall be disabled to trade in L
ther, and forfeit 500 l. 14 Car. 2. c. 7. §. 5.

All Red tanned Leather, &c. shall be bought only
open Market, on pain to forfeit the Leather or val
and the Contract to be void. *Ibid.* §. 3.

Such Leather shall be searched, sealed, and upon S
registred, &c.

Boots, Shoes and Slippers may be transported, *Ib*
§. 6.

All Justices and Mayors, &c. both by Land and Water
shall seize all Leather, &c. intended to be transport
ontrary to the Statute, *Ibid.* §. 7.

All Tanners shaving, &c. the upper Leather Hides, &
shall forfeit the same, *Ibid.* §. 8.

The penalty shall be recovered by Debt, &c. in a
Court, &c. which shall not be removed; a moiety to the
Queen, a moiety to the Informer, *Ibid.* §. 10.

Leather Hides and Skins may be bought or sold b
weight, 1 W. & M. cap. 33. though formerly prohibite
by 4 Jac. c. 6.

The Acts for Exportation of Leather are revived b
1 W. & M. c. 23. for seven Years.

What shall be reputed Leather. Vide 1 Jac. c. 22. §. 4

Lodgers.

If any Lodgers shall take away with an intent to steal, embezel or purloin any Chattel, Bedding or Furniture which by Contract or Agreement, he or they are to use with such Lodging, it shall be adjudged Larceny and Felony, and the Offender shall suffer as in case of Felony, 3 & 4 W. & M. cap. 9. made perpetual, 6 & 7 W. 3. cap. 14.

Markets, Fairs, &c.

Fairs or Franchises whether they be held by Charter or Prescription, they must be holden so no longer time than may be warranted by Grant or Usage; and the Sheriff ought to make Proclamation, that those that have Fairs keep them no longer than they ought to do, Ed. 3. cap. 15. And the Lord of the Fair at the beginning thereof shall make Proclamation how long the time is to continue, on pain to be grievously amerced to the King, and if he hold over, the Fair shall be seized into the King's Hand till he make Fine for the Offence, and if a Merchant sell Wares after the time, he shall forfeit to the King double the value for what 'tis sold for, and the Prosecutor shall have the fourth part, Ed. 3. cap. 5.

No Fair or Market shall be kept in Church-yards, 3 Ed. 1. cap. 6. Stat. Winchester.

Against buying and selling again of Cattle in the same Fair, see 3 & 4 Ed. 6. cap. 19.

Touching Sale of Horses in Fairs, &c. See Tit. Horses.

For Office of the Clerk of the Market. See Tit. Weights.

Because Justices are to judge of Property, and how far 'tis divested by Sale in Market Overt, Obs.

1. That in London every Day in the Week except Sunday is Market Overt, &c. Sale in Shops *bona fide* then and there is good.

2. The Sale in such Shops must be of things proper to the Trade, for if Plate be sold in a Scrivener's Shop, &c. the Sale is not good.

3. If a Sale be of Plate in the Goldsmiths Shop (wh^o'tis properly to be sold) yet it must be done publick for a Sale behind the Curtain, &c. will not alter property.

4. A Sale in Market Overt, if it be Covinous, or the Buyer know the Goods to be stolen, the property not altered, 5 Co. 83.

5. The Queen cannot grant to one that his Shop shall be a Market, which would alter the property of Strangers Goods.

6. In a Market where things are Saleable in distinct Places, the Goods must be Sold in the usual place assigned for such Goods, or the property is not altered Moor 360.

He that pleads a Sale in Market, must plead that was done *in pleno Mercatu*.

A Market held without a Patent or Prescription illegal, 2 Saund. 174.

If I pledge Goods to J. S. and he sell them in Market Overt, this no property: But Goods taken by Pyrats altered by sale in Market, Hob. 79.

Mault.

Constable, &c. of any Town where any deceitful Mault shall be made, or Maulted to be sold contrary to the Statute of 2 Ed. 6. cap. 10. may view and search such Mault made, or put to Sale within the Town, and if he find any made contrary to this Statute he may with advice of one Justice, cause the same to be sold at reasonable price, as the Justices shall see expedient, continued by 21 Jac. cap. 28. and 3 Car. cap. 4.

The Justices at the Quarter Sessions may restrain the number of Maulsters, and also such Persons as they shall think fitting, from buying Barly to make Mault.

And if any Person shall disobey the Order touching the same, then, and so often such Persons being thereof Convict in Sessions, or before two Justices out of Sessions, by two Witnesses, &c. shall be by the Justices committed to Gaol without Bail for three Days, and after till he enter into Recognizance of 40 l. before some Justice, to obey such Order, 39 Eliz. cap. 16.

Militia.

BY the Statute of 4 & 5 *An. cap. 23.* Lords Lieutenants of Counties, or their Deputies shall not Issue out Warrants for the raising any Trophy-Money, or the Justices of Peace, or the major part of such Justices at their Quarter Sessions for their respective Counties, &c. shall have examined, stated, and allowed the Accounts of the Trophy-Money last raised, levied and collected for any preceeding Year, and certified the Examination of the said Accounts under the Hands and Seals of four or more Justices.

Nothing in this or any former Act shall extend to any County, or Place where it shall appear to the Justices at their Quarter Sessions that the Treasurer hath absconded, failed or is dead, and thereby such Account cannot be passed.

Moss-Troopers.

THE Justices of *Northumberland* may charge their Inhabitants 500 *l.* and those of *Cumberland* their Inhabitants 200 *l. per Ann.* at their respective General Sessions for securing their Counties against Moss-Troopers.

Justices of *Northumberland* may appoint a Person or Persons to command thirty Men, and those of *Cumberland* twelve Men to search out such Malefactors, and may Issue out their Warrants to the Constables to levy by distress and sale of Goods, and may take security of the Persons they employ, &c. *Quere*, if this be not discontinued. 13 & 14 *Car. 2. cap. 22.*

Quere, If the Justices of these Counties may not cause such notorious Thieves, and Spoil-takers to be transported. See the Statutes of 18 *Car. 2. cap. 3.* 29 & 30 *Car. 2. cap. 2.* continued by 1 *Jac. 2. cap. 14.* and 7 & 8 *W. 3 cap. 17.* for 5 Years.

Right.

Night-Walkers.

Every Justice (*ex officio*, and by the first *Assignavit* in his Commission) may Arrest Night-walkers, suspected, or of ill Fame, such as sleep in the Day time and in the Night season haunt Houses suspected of Baudery, or use suspicious Company, and may force them to find Sureties for the Good Behaviour, 13 *E. Stat. Winch. cap. 4.* and 5 *E. 3. cap. 14.*

Any one may Arrest a Night-Walker, *Poph. 20 Laich 173.*

A Night-Walker may be indicted before Justices of Peace, *Benlow 199. Poph. 208.*

Night-Walkers suspected to be Pilferers, or otherwise like to disturb the Peace, or of Evil Fame, may be bound to their Good Behaviour, *Dalt. cap. 87.*

Nuisances.

IF any Person shall water Hemp or Flax in any River, Water, Stream, &c. Where Beasts be usually watered, he shall forfeit 10 *s.* one Moiety to the King, the other to the party grieved, or to any one that will sue for it in any Court of Record, 33 *H. 8. cap. 17.*

Transporting Leather contrary to 14 *Car. 2. cap. 7.* declared a Common Nuisance. §. 12.

If Nuisance be in the Highway every one may abate it, *Jones 222.*

To erect a Gate cross an Highway is a Nuisance, to three Justices, *Ibid.*

Its a Nuisance to stop a River with Earth by which the Land is drowned, *Leo. 222.*

A Brew-house, Tanhouse or Gatehouse may be a Nuisance to a private House, *Palm. 530.*

To erect a Rope-Dancers Stage at *Charing-Cross* is a Nuisance, *Mod. Rep 76.*

Per Curiam, If one be indicted of a Nuisance, the Court will not admit him to a Fine till it be removed, an *Affidavit* made of the Removal thereof, or certified by two Justices of Peace.

By the Statute of 9 & 10 W. 3. *cap.* 7. No Person whatsoever shall make, sell, or utter any Squibs, Rockets, Serpents, or other Fireworks, or Moulds, or Implements for making any such, or permit any such to be thrown or fired out of, or in his House or Lodgings, &c. into any publick Street, Highway, Road, or Passage, and none shall throw, or fire, or aid or assist in the throwing or firing any such into any publick Street, &c. And every such Offence is, and shall be adjudged a common Nuisance.

The penalty, to make, give, or sell any Squibs, &c. Cases, or Implements for making the same, upon conviction before one Justice of Peace, is 5 *l.* to permit the same to be thrown out of House, &c. 20 *s.* To throw or assist therein 20 *s.*

The Forfeitures to be levied by Distress, half to the Poor of the Parish, half to the Informer. If the Party throwing shall not immediately pay the Money, to be committed to the House of Correction for one Month. Excepted out of this Act, the Officers of the Ordnance, and Persons authorised by them, Artillery Companies, and Militia.

Oaths.

NO Person can administer, or take any Oath, but what is warranted by the Common, or Statute Law, and therefore 'tis that our Statutes do so often give power to Justices of Peace, to administer Oaths, *2 Inst.* 479, 719.

Any one Justice may compel such as are between the Age of Fifteen and Threescore to be Sworn to keep the Peace, 34 *Ed.* 1. *Stat.* 2.

See by whom the Oaths of Allegiance and Supremacy shall be taken, 1 *Eliz.* *cap.* 1. 5 *Eliz.* *cap.* 1. 3 *Jac.* *cap.* 4, 5. 7 *Jac.* *cap.* 6. See *Tit. Recusants.*

Two Justices, &c. may take the Oaths of the Under Sheriffs and their Officers.

No person may maintain the taking of an Oath in any Cause whatever is unlawful, nor wilfully refuse to take an Oath duly tendered, or persuade others to forbear the taking of an Oath so tendered, upon the penalty of 5 *l.* &c. 13 & 14 *Car.* 2. *cap.* 1. §. 2.

See after in *Presidents of Oaths.*

N

Baptists.

Papists.

STAT. 1 *W. & M. cap. 15.* For disarming Papists and taking away their Horses above the value of 50 *l.* to be sold; and two or more Justices may authorize any person with a Constable, &c. to search for and seize the Horses as forfeited to their Majesties Use, such as refuse to subscribe the Declaration in the Statute 30 *Car. 2. Stat. 2. cap. 1.*

Such persons as conceal, or are assisting thereto may be committed to Prison without Bail for three Months and forfeit treble value.

By the said Act no Papist refusing to subscribe shall keep any Arms, Weapons, Gunpowder or Ammunition (other than such allowed by the Justices) and two or more Justices by Warrant may empower any person in the Day-time with a Constable, &c. to search for such Arms, &c. and seize the same for their Majesties use, and deliver them at the next Sessions in open Court for the said use.

Every person, &c. who shall not within ten Days after such refusal discover and deliver his Arms, &c. to some Justice, or shall hinder or disturb any person authorized to search for and seize the same shall be committed to Gaol without Bail for three Months, shall forfeit the said Arms, &c. and pay the treble value thereof to their Majesties use to be appraised by the Justices, at the next Sessions. Every person who shall conceal such Arms, &c. or be privy thereto, or shall not discover the same to such Justice, or hinder any person authorized in searching for and seizing the same, shall be committed to Gaol, and be liable to the Forfeiture before mentioned. Any person discovering such concealed Arms, &c. so as they may be seized to their Majesties use, the Justices upon delivering them may (by Order of Sessions) allow him the full value of the same to be assessed by the Justices at their Sessions, and recovered by Distress and Sale of Goods, rendering the Overplus.

Provided, That if the Person refusing shall subscribe and conform, and in open Court shall subscribe the said Declaration he shall be discharged from the Penalties above mentioned.

Partridges.

If any Man shall take Pheasants, Partridges, &c. upon the Free-hold of any other without Licence, he shall forfeit 10 *l.* one Moiety to the Prosecutor, the other to the Owner of the Lands. And the Justices have power to determine, &c. by Inquisition or Information, 11 *H. cap. 17.*

Every Justice may examine Offenders for destroying Partridges in the Night time, and for Hawking or Hunting in eared Corn, and bind the Offenders with Sureties at the next general Sessions. The Forfeiture for a Pheasant is 20 *s.* for a Partridge, 10 *s.* &c. 23 *Eliz. cap. 10.* See now, 1 *Jac. cap. 27.* 7 *Jac. cap. 11.* That Offences of destroying Partridges, &c. is generally referred to two Justices.

By the Statute of 1 *Jac. cap. 27.* Every Person which shall shoot at any Partridge, &c. or kill any Partridge, with Setting Dogs or Nets, &c. or break the Nest of any Partridge, or keep any Setting Dog or Net, except he have Lands of Inheritance of the clear value of 10 *l. per annum*, or 30 *l. per annum* for Life, or Goods worth 200 *l.* or Son of a Knight, shall upon proof thereof by two Witnesses, &c. before two Justices, &c. be committed without Bail for three Months, or pay immediately to the Churchwardens 20 *s.* for every Fowl, &c. and 40 *s.* for every Greyhound, or Setting Dog, &c. 1 *Jac. cap. 27.*

If any Man sell, or buy to sell again, any Deer, Partridges, &c. he shall forfeit for every Partridge 10 *s.* &c. to the Poor and the Prosecutor, 1 *Jac. cap. 27.* and it seems two Justices may punish by this Statute.

Every Person which shall hawk at or kill any Partridge, &c. between the first of *July* and the last of *August*, the same being proved by two Witnesses, &c. before two Justices, shall by them be committed for one Month without Bail, or pay, &c. But the Complaint must be made within six Months, 7 *Jac. cap. 11. §. 2.*

See *Tit. Hunting.*

Pasture.

EVery person usually keeping Six score Sheep on his several Pastures, shall for every Sixty Sheep keep one milch Cow, and for every sixty Sheep rear one Calf or forfeit, 20 s.

Every person who shall keep upon his Pasture above twenty Oxen, Runts, &c. shall for every ten Oxen, &c. keep one Milch Cow, and breed and wain yearly, and keep one Calf for every two Milch Cows, on the pain aforesaid, to be recovered before the Justices of Peace or in the Queen's Courts by Bill, &c. 2 & 3 *1 b. & M.* 13 *Eliz. cap. 25. 7 Jac. cap. 8.*

By the Statute of 25 H. 8. *cap. 13.* No Farmer shall keep above 2000 Sheep upon pain of 3 s. 4 d. for every Sheep above that number.

Peace.

EVery Justice (by the power of the first *Assignavit* in the Commission) hath as well the ancient authority of the Conservators of the Peace, as also all such as by any Statute is given since, to keep and cause to be kept her Majesty's Peace.

Justices must arrest and send to the Gaol Murderer, Felons, &c. and all Persons suspected thereof.

They must also suppress and bind to the Peace and Good Behaviour all Affrayors, and persons riotously assembled, wearing Armour, putting the People in fear, or Nightwalkers, &c.

If any Affray or forceable Entry, &c. be committed in the view of a Justice he must record it, and commit the Offender; if it be not in his presence, yet he may bind the Parties with Sureties to the Good Behaviour, or for want thereof commit them, and not otherwise.

If a Justice certifie to the Queen's Bench that he hath broken the Peace in his presence, the party may not traverse it, but shall be there fined.

Sureties of the Peace. Surety of the Peace is the acknowledging of a Recognizance to the Queen, before a Judge of Record for the keeping of the Peace.

Part I.

Peace.

A Justice may take this Surety two ways. 1. As a Messenger, as upon a *Supplicavit*, &c. 2. As a Judge by virtue of his Commission, and that either at his own motion, or at the request of another.

He may of his own motion bind a Man to the Peace, and that against all the Queen's Subjects, if he think fit.

Where Assault is made upon the Justice himself. 2.

When an Assault is made upon another in his presence.

If one in his presence threaten another, &c. 4. For

Contention in hot Words in his presence. 5. If one in

his presence go armed offensively, or with an unusual

number of Servants, &c. or Servants or Labourers bear-

ing Weapons, against the Statute of 12 R. 2. 6. He may

bind any Person by him suspected to be inclined to break

the Peace. 7. A Person brought before him by a Con-

stable who had made an Affray, &c. in his presence. 8. A

Person that goes about to break the Peace in the Consta-

ble's presence, or assaults him, may be carried by the Con-

stable before the Justice, who may bind, &c. 9. He may

by his discretion) convene before him a person who

has broke the Peace (though not in his presence) and

command Sureties of him. 10. A person going or riding

with offensive Arms may be arrested by a Constable, and

him be brought before a Justice, who may do as

abovesaid. 11. He may (upon his discretion) bind to

the Peace a Common Barretor. 12. So of Riotors. 13.

If a person bound break the Peace, the Justice ought to

bind him anew. But it seems not until after Conviction

upon the Recognizance. 14. Any Justice may (for the

inadequacies of the Sureties) compel one bound to the

Peace to find better, *Dalt. c. 79.*

A Justice granting the Peace at the request of another

must take an Oath of the Party so demanding, that he is

freely of fear, &c. *Fitz. N. B. 79. H.*

One fearing that another will burn his House, may

demand the Peace of him, but not he that is threatned to

be imprisoned, or to have his Goods burnt.

It seems likewise the Peace shall not be granted for the

Master's fear, that another will hurt his Servant, &c. or

so that he is at Suit or variance with his Neighbour,

Lamb. 85.

If the person be dangerous, the Justice may require

100 l. Bond for the Peace, *Styl 322.*

A Justice may take Money to lie *in deposito* for Security

of the Peace, and the Money to be forfeited to the Queen,

If the party break the Peace, 1 *Cro. 446.*

If he which is bound to the Peace break his Recognizance, he may be indicted for it, for it is a new Offence, *Styl.* 369.

Bound to the Peace upon Malice or Vexation may be discharged by the *Queen's-Bench*, *Styl.* 364.

Note, That the fear of some present danger ought to be the cause of granting the Peace, and not any Battery, Trespass, or Breach of the Peace done before, yet the Justice, if he see Cause, may bind over the Affrayer.

The Good Behaviour is granted by the Justice as we by virtue of his Commission, as by force of the Statute 34 *Ed* 3. c. 1.

*Sureties for
the good
Behaviour.*

The Good Behaviour may be broken. 1. By an extraordinary Company of Attendants. 2. By wearing of Hat or other Weapons more than usually he had done or more than meet for his Degree. 3. By using of threatening Words, tending to the Breach of the Peace. 4. By doing any other thing that may be the Occasion of breaking of the Peace, or by putting the People in dread or fear, although there be no actual Breach of the Peace; as these four Matters are Breaches of the Good Behaviour, so are they Causes to bind over to the Peace and are likewise Breaches of the Peace, *Dalt.* c. 86.

The Good Behaviour is granted at the Suit of divers and those being Men of Credit, and provides for the safety of many. The Peace being usually granted at the request of one, and for the preservation of the Peace chiefly towards one.

It is commonly granted in open Sessions, and by two or three Justices out of Sessions, yet one Justice may bind to the Good Behaviour either by his own discretion or at the request of others; The Good Behaviour may be taken by a Justice by virtue of a special Writ in the nature of a *Supplicavit* directed out of the *Chancery* or *Queen's-Bench*, and the same Proceeding in this as in Case of Peace.

*For and
against
whom Sure-
ty of the
Peace is to
be granted.*

Neither a *Supplicavit* or Warrant is grantable against a Peer of the Realm, but if there be cause, the Party may have a *Subpœna* out of *Chancery*, and the Lord may bind there, *Crompt.* 134. and *Dyer* 315. seems to agree that if he make default upon the *Subpœna*, no Attachment can be awarded against him: But other Opinions there are, as *Fitz. Tit. Subpœna* 20. *Crompt. ut supra*, that a *Supplicavit* may issue out of *Chancery* (upon prayer of the the Peace against a Peer, directed to the Sheriff, who may take Sureties. *Dalt.* c. 80.

A Dutcheſs, Counteſs, &c. hath the ſame privilege ; but if Noble by Marriage, and marry one under the degree of Nobility, ſhe loſeth her Privilege ; otherwiſe of a Woman that is Noble by Birth, *Co. 6 Rep. 53. b.*

The Sessions being a Court may demand Sureties of the Peace or Good Behaviour againſt one ſingle Juſtice ; ſo out of Sessions one Juſtice may againſt another. *Dalt. c. 80.*

Eccleſiaſtical perſons may be arreſted for the Peace, if they be not celebrating Divine Service, and if ſo they cannot, *50 Ed. 3. c. 5. Vid. Stat. 1 R. 2. c. 15. Co. 12 Rep. 100.*

Sheriffs, Coroners, &c. may be bound to the Peace.

A Juſtice upon demand may grant the Surety againſt his own Wife, *Dalt. c. 80.*

The Peace againſt one living in the *Cinque Ports* muſt be by Writ out of *Chancery*, directed to the Conſtables of *Dorſet*, and the Wardens of the *Cinque Ports*.

The Wife may demand the Surety againſt her Husband, *Fitz. N. B. 80. F.* ſo may the Husband againſt the Wife ; but it was otherwiſe reſolved, *Lamb. 81.*

The Peace may be granted to an Infant under the Age of fourteen Years, *Lamb. 81.*

It may be granted againſt a Feme Covert, and an Infant under fourteen Years, and they are to be Bound by Sureties only, and not by themſelves.

It is not grantable either to or againſt a Man of *Non ſana Memoria*, but otherwiſe of a Lunatick.

It ſhall not be granted to one that is Deaf, Dumb or Blind, or which is Deaf and Dumb, though he hath his ſight, *Stamf. de Prærog. 33, 34.* One Deaf and Dumb, or Blind and Deaf, by accident (it being poſſible he may have underſtanding) ſhall have the Peace granted to or againſt him.

It may be granted likewise againſt him that is impotent, though of himſelf he be not able to break the Peace, ſo alſo to or againſt one attainted of Treason, or Felony, or convicted of Heresie.

It may be granted either to or againſt a perſon Excommunicated, or which hath abjured the Realm, a Deniſon, Alien, Lord and Villain, one againſt another, but otherwiſe of an Alien Enemy. *Dalt. c. 81.*

The Good Behaviour is to be granted againſt common Good Barretors, common Quarrellers, common Breakers of the Peace, Riotors, ſuch as lie in wait to rob, or attempt or where are ſuſpected ſo to do, or are like to commit Murder, &c. grantable.

such as practise to poison others, such as outrageous misbehave themselves in the presence of a Justice, as frequent Houses suspected to maintain Incontinency, and also against the Maintainers of such Houses, common Whore-mongers and Whores, Night-walkers, suspected to be Pilferers, persons of Evil Behaviour or Fame, Everdroppers, such as cast open Gates in the Night, such as fare well and live idly, and have nothing of their own to live upon, common Gamesters, Haunters of Taverns or Alehouses, common Drunkards convicted according to the Statute, 4 Jac. c. 5. Such as go on the Messages of Thieves, such as raise Hue and Cry without cause, Cheaters, Couseners, Libellers, putative Father of a Bastard Child. *Dalt. c. 87.*

If a Justice see one break the Peace, and charging him to keep the Peace, he shall answer that he will not, the Justice may bind him to the Good Behaviour. *Ibid.*

To speak contemptuous Words of a Magistrate, the when he is not executing his Office, as to call a Mayor Fool, is cause of the Good Behaviour, *Moors Rep. 247. Cro. Eliz. 78.*

If a Citizen or a Freeman of a Town Corporate shall use words of Contempt against the chief Officer of the same, or against his Brethren, this is good cause to require the Good Behaviour of him. *Co. 11 Rep. 98.*

Such as abuse Justices Warrants shall be bound, &c. if it is of such as charge others with Felony before a Justice and will not give Evidence. *Dalt. c. 87.*

Whatsoever in it self is a Misbehaviour, is sufficient cause to bind the Offender, &c. *Ibid.*

The Offenders hereafter named shall find Sureties for the good abearing, by the express words of several Statutes.

Disturbers of Preachers, 1 Mar. c. 3. destroyers of Fishponds or Stealers of Fish after lawful Conviction, 5 Eliz. c. 21. Takers of Hawks, or Hawks Eggs out of other mens Grounds after Conviction, unlawful Stealers, Hunters, Killers of Deer or Conies in the Parks or Warrens of other men after Conviction, 5 Eliz. c. 21.

Note, All these Offenders must be bound at the Sessions.

Popish Recusants absenting themselves from Church for a twelve month, 23 Eliz. c. 1.

A person attainted of Felony and pardoned, shall find, &c. within three months, before the Sheriff or Coroner, who shall certify the same into Chancery, 10 Ed. 3. cap. 3. *Hale P. C. 250.*

Such

Such as shall disturb the Execution of the Statute of 3 Eliz. c. 4. concerning Rogues, any two Justices may bind, &c.

The Mother of a Bastard Child (that may be chargeable to the Parish) for the second Offence shall be committed, &c. till she find Sureties, &c. 7 Jac. c. 4. §. 7.

Such as are infected with the Plague, and being commanded to keep their Houses, &c. disobey the same, &c. shall be bound, &c. 1 Jac. c. 31. §. 7.

If any person bound to the Good Behaviour, for offending against any the Statutes before mentioned, shall afterwards offend against the same, this shall be a Forfeiture of his Recognizance.

It is a Breach of the Good Behaviour to be drunken; as so Sir Nicholas Hyde delivered it in his Charge at the Assizes. Dalt. c. 87.

To call a Man quarrellsome Fellow and scurvy Knave, *What shall be adjudged no Breach of the Good Behaviour. Other- be accounted we it is, if the Words be spoken to an Officer in the Execution of his Office. ed no Breach of*

To say of a Merchant that he is a Bankrupt, is no Breach, &c. *the Peace.*

To say of a Mayor playing at Tables that he is a Fool, is no cause of Imprisonment; but if he be in Execution of his Office it is otherwise, 2 Rolls Rep. f. 200.

If a Man be convicted upon an Indictment of Trespass, *qui vi & armis clausum fregit, & averia cepit & abduxit & nautic detinet*, this is no Breach of, &c.

To say of another he is a Pelter, Lyer, Drunkard, &c. is no Breach of, &c. for they are not Words which menace Battery, or import an intention to do violence to any one, as to say, *I will meet with thee*, or the like.

If a Man be bound to the Good Behaviour and to appear at the next Assizes, yet he may remove the Recognizance by *Certiorari* into the Chancery, or the *Queens-Bench* before the day, and then he need not appear at the Assize, for the Judges having no Record before them there, cannot call him.

He may be commanded either by Word or Writing: *How it*
By Word where the Cause of the Peace doth arise in the *may be*
presence or hearing of the Justice, and tho' in his absence, *command-*
ye if the party offending be in his presence, when upon *ed and ex-*
Oh it is demanded against him. *ecuted.*

The Justice by Word may command him to find Sureties, and may also by Word command a Constable or other known Officer (or his own Servant) being then present

present to arrest him, and upon default of Sureties commit him, &c. but otherwise if the persons be absent.

Note, Every Justices Warrant must be in Writing, under his Seal, must likewise contain the Cause, and whose Suit, it may be to bring the Party only before Justice which made it. But 21 H. 7. f. 20. *Fineux* was of Opinion, that where a Justice makes a Warrant *ex officio* (not by *Supplicavit*) that it is at the parties Election to appear before him or any other Justice, and that if otherwise compelled may have an Action, &c. against the Officer, *Lamb.* 97.

The Constables ought first to acquaint the Party with the Matter, and charge him in the Queen's Name to appear before the Justice, and if he refuse either to go or to find Sureties, may arrest him, and carry him to the Gaol without bringing him before any Justice, and then the Officer ought to be at the next Sessions there to deliver in his Warrant, and to certify all he did thereupon: if there be no such refusal, the Officer cannot only bring him to arrest him, but is not bound to go with him to find Sureties, but may detain him until he procure the Peace, and upon offer of Resistance or departure, he may be carried to the Gaol, or imprisoned in the Stocks until farther aid be provided, &c. to convey him to, &c.

The Justice is not bound to demand Sureties, but bring him before him, if he hath no Sureties ready, upon refusal, he may be carried to the Gaol by the Officer, without any new Warrant or Command.

If the Officer arrest the party and bring him not before a Justice, or upon refusal, &c. to the Gaol, he may be punished by Indictment for his neglect, and at the Parties Suit for false Imprisonment.

A Man committed for default of Sureties, may be delivered by the Justices Warrant upon the Death or Release of the Party that required the Peace against him.

Upon a general Warrant it is at the Election of the Officer, to carry him before any Justice he please, *59. Foster's Case.*

If another Justice than he that granted the Warrant accept Sureties, &c. he must upon request make a *Superseas*, but this doth not discharge the first Warrant until the Party be bound indeed, *Lamb.* 98, 99.

A person suspecting that the Peace is, or will be demanded against him, may go to a Justice and there voluntarily give Sureties, and procure a *Superseas*, &c.

An Officer having a Warrant to arrest, &c. upon a *Superfedeas* (which is good though it contains neither the Sureties Name or the Sum) delivered to him, may neither arrest or detain the Party, and if he does 'tis false Imprisonment.

Upon Receipt of a *Superfedeas* from the *Queen's Bench* or *Chancery*, the Justice may supersede his own Warrant against the Party.

Note, A *Superfedeas* may be procured out of *Chancery* in Vacation, and for not obeying it (though awarded against him) an Attachment may issue against the Justice, notwithstanding such a *Superfedeas* the Justice ought to certify the Recognizances (if he hath taken any) to the next Sessions.

Every *Superfedeas* out of *Chancery* or *Queen's-Bench* is void, unless granted upon motion in open Court, and the Sufficiency of the Sureties must appear upon Oath to be assessed at 5 *l* Lands in the Subsidy Book at least; must likewise appear that the Peace is demanded, *bona fide*, 21 *Jac. c. 8*.

Petition.

N O person shall sollicite, &c. the getting of Hands of more than twenty persons to any Petition, &c. to his Majesty, or to both or either of the Houses of Parliament for the alteration of Matters established in Church or State, unless with the consent of at least three Justices of the County, or the major part of the Grand Jury at the Assizes, &c. where Matters arise, &c. or if in *London*, by the Mayor, Aldermen and Common Council. Nor shall any repair to her Majesty with more than ten persons to present any Petition, &c. This Offence is punishable at the Sessions or Assizes within six months, must be proved by two Witnesses, and shall thereupon be punished by Fine not exceeding 100 *l*. and three months Imprisonment without Bail, 13 *Car. 2. c. 5*.

By the Statute of 1 *W. & M. Sess. 2. cap. 2*. It is declared, That it is the Right of the Subjects to Petition the King, and all Commitments and Prosecutions for such petitioning are Illegal.

Plague.

Going a-
broad.

IF any person infected or dwelling in an House infected with the Plague, being by a Justice or Head-Officer, &c. (commanded to keep home) shall yet wilfully go abroad, having an infectious Sore, 'tis Felony; if a Sore yet shall be punished as a Vagabond, and bound to the Good Behaviour for one year, 1 Jac. c. 31. §. 7.

Justices and Head-Officers, &c. shall appoint Searchers, Watchmen, Keepers and Buryers in places infected, give them directions, and administer an Oath to them for performance of their Office, *Ibid.*

If any person infected, &c. shall attempt to go abroad such Watchmen may enforce them to keep their Houses, *Ibid.*

Two Justices or Head-Officers may tax every Inhabitant, &c. for the Relief of infected Persons in the same place, and by Warrant of two Justices, &c. may levy the same by Distress, and for default thereof, &c. by like Warrant may commit such persons to the Gaol till he satisfy the Taxation.

If the Inhabitants of such place, &c. are not able to relieve their infected Persons, &c. upon Certificate thereof by the Head-Officer and Justices, &c. any two Justices near the place may tax the Inhabitants within five miles thereof for the Relief aforesaid, *Ibid.* §. 4.

If any infected shall be in any Borough, &c. where there are no Justices, or in any Hamlet, then any two Justices of the County may tax the Inhabitants of that County, and within five miles of the place, to be levied as aforesaid, &c. and all such Sums shall be distributed by Justices, or Head-Officers and Justices, *Ibid.* §. 5.

All such Taxes shall be certified at the next Quarter Sessions. in such City or County, &c. Universities, Cathedral Churches, and the Colleges of *Eaton* and *Winchester* are excepted out of this Act, *Ibid.* Continued by 26 & 17 Car. 1. c. 4.

Poor.

BY Poor we understand only such as are old, decrepid Widows, Fatherless or others driven to Poverty, not by Riot, but by mischance Rogues, Vagabonds, &c. being excluded.

The Churchwardens, or at least two Justices, *Quorum Overseers* *unus*, &c. shall yearly within one Month after *Easter*, under Hands and Seals, appoint four, or three, or two able Housekeepers to be Overseers of the Poor.

All Poor in every Township in the County of *Lanca-Large Pa-*
ris (and other Counties, &c. where by reason of the *rishes*.
largeness of Parishes, they cannot reap the benefit of
43 *Eliz. cap. 2.*) shall be maintained, &c. in their re-
spective Township, &c. in which there shall be chosen
yearly two or more Overseers, who shall do and forfeit
as in 43 *Eliz. cap. 2.* 14 *Car. 2. cap. 12.* §. 21.

The Justices of the County shall do and execute in
such Townships, &c. as is directed by 43 *Eliz. ibid.*

This Statute extends to such large Parishes, in any
County.

The Churchwardens and Overseers (or the greater
part of them) by consent of two Justices, shall take
order for setting the Poor on work, binding out Ap-
prentices, 43 *Eliz. 2.* §. 5.

To set to work the Children of such Parents as
shall not be thought able by the Overseers to maintain *Apprenti-*
them, as also to bind Apprentices, the Male Children *ces.*
till they be 24 Years old, Women Children till the Age
of 18 Years, or time of Marriage; all such Children
being 7 Years old may be bound, but it must be by In-
diture. 43 *Eliz. 2.* continued by 3 *Car. 1. cap. 4.* and
11 *Car. 1. cap. 4.* And note, One Justice may bind an
Apprentice.

To set to work all such Persons as having no *Work.*
maintenance do not use some ordinary Trade to get
their Living. Such also as can get no work, are to be
set on work by the Overseers, which if they refuse to
do they may be sent by one Justice to the House of
Correction, 43 *Eliz. cap. 2.* Churchwardens by consent
of two Justices, *Quorum unus*, or by one Justice, if there
be no more within the Division, may set up and oc-
cupy any Trade, &c. for the setting on work the Poor
of their Parish, &c. 3 *Car. 1. cap. 4.* §. 22.

3. To

Relief.

3. To relieve the Poor; and to this purpose the overseers are enabled to raise by Taxation of every habitant, Parson, Vicar, &c. and of every Occupier of Lands, &c. or saleable Under-woods (proportioned to an annual value, &c.) in the same Parish a competent Sum for Relief of the Poor, and to provide convenient Stock to set them on work, and to bind apprentices, 43 *Elix. cap. 2. §. 1.*

Goods.

Toll of Markets is taxable, as hath been adjudged the *Queen's Bench*.

It seemeth that Persons may be rated not only for their Lands, &c. but also for their Estate of Goods known and herein the charge of the Family is in some measure to be regarded; but report or suspicion only is not sufficient grounds to tax for Goods, *Dalt. cap. 40.*

Assessment for the Poor ought to be made according to the visible Estate of the Inhabitants there (both real and personal) but not for any Estate they have elsewhere and the Occupiers of the Lands, and not the Lords are to be taxed, *Jenk. 327. pl. 40.*

Touching Taxations take these Rules. 1. The Poor Tax ought to be charged upon the Tenant or Occupier. 2. No Person shall be taxed for any Estate lying out of the Parish, for which the Rate is made.

If there be within a Parish a Village that hath had a Church, and Parochial Rites, and that within the same Churchwardens and Overseers have been chosen; a separate Taxation made for the relief of the Poor ever since, 43 *Elix.* This is a complete Parish in matters of the Poor, *Cro. Car. 92.* and 394, *Nichols and Walksr.*

Children above the Age of fifteen are not to be bound Apprentices, but to be forced to work, or go to Service, and upon refusal to be sent to the House of Correction, 7 *Jac. cap. 3. §. 5.*

All single Persons under the age of thirty, being warned by two Justices by a day to put themselves into a Service, if they do not accordingly, having no means to maintain them, are to be sent to the House of Correction.

Clergy-men are chargeable to the Contribution put out for Apprentices, and if they refuse to pay, seems the same may be levied by Distress, upon the Warrant of two Justices as in cases of other Persons.

has been held, till of late that the Justices may compel such as be of Ability to take Apprentices, such as their Children as the Churchwardens and Overseers by the consent of the said Justices shall think fit to bind with them, and the Practice hath been accordingly; but this Opinion hath been lately over-ruled in the case between the *King* and *Pyne*, by the consent of all the Judges of *England*, by which it is ruled that poor Children shall be bound out with the Parish Stock to such fitting Persons, and for such Sums of Money as the Churchwardens and Overseers can bargain for; by which means every Parishioner shall pay his equal proportion.

Note, If a Master shall put his Apprentice into Apprenticeship, that is a Gift in Law, which he cannot take away, though he part with his Apprentice, *Br. Transf.* 93:

Two Justices shall take an Account of Churchwardens and Overseers at the end of the Year, viz. An Account.

1. Of all Monies by them received, or rated in not received. 2. Of such Stock or Ware, &c. as they or any of the Poor, have in their Hands. 3. What Apprentices they have bound out. 4. What Poor they have set at work and relieved. 5. Whether they have suffered the Poor to beg without their direction. 6. Whether they have met Monthly about these Matters. 7. Whether they have assessed all such as are of Ability, &c. and with indifferency. 8. Whether they have endeavoured to levy and gather such Assessments. 9. Whether they have been negligent any other ways in their Office, as in relieving the impotent, executing Warrants, for levying any Forfeitures, &c. How Monies given to bind Apprentices shall be employed were the Persons intrusted shall once a Year at *Easter*, or within a Month give an Account of all Monies so employed, and of Securities taken before two or three Justices next adjoining, &c. *Stat. 43 Eliz. 2. §. 2.* and *7 Jac. 1. cap. 3. §. 6.*

If the Churchwardens or Overseers shall refuse to yield such Account, two Justices may commit them without Bail till they make it; if they make a false Account they may be indicted at the Sessions, *Dalt. ca. 46.*

If they refuse to pay, and deliver over such Arrearages and Stocks as shall be in their Hands at the end of the Year, to the new Churchwardens, &c. Two Justices

stices may grant their Warrants to levy the same upon them by Distress, and in default thereof, they must be committed without Bail till they make payment; Law is the same, if any such Stock be in the Hand of any poor Person, and he refuse to deliver it, *Ibid.*

If Persons assessed die before the Monies be collected then a new Rate ought to be made, *Ibid.*

Churchwardens, &c. for other Negligences in the Office, as in Execution of Orders shall forfeit 20 s. for every fault, to be levied upon them by the new Overseers, &c. by Warrant of two Justices, and for want of Distress, by the like Warrant they shall be committed without Bail till payment, 43 *Eliz. cap. 2. § 4.*

Levying of Taxes. If any Person shall refuse to pay his proportion of the Poors Rate, it shall be levied in the like manner by Warrant of the Justice to the Churchwardens, &c. in defect of Distress, &c. *Ibid.*

Parish not able. If any Parish be not able to relieve their Poor, the Justices may assess any other Persons within the Hundred to pay such proportion to that Parish as they shall think fit, *Ibid. § 3.*

Charging Parishes. If a Parishioner without consent bring a poor Person into the Parish which becomes chargeable, he may be raised in the Rate, *Dalt. cap. 46.*

Appeal. If any Person be aggrieved by the Taxation of the Overseers or Justices, he may be relieved at the Quarter Sessions; where there are Justices in Towns Corporate, the Justices of the Shire are not to intermeddle, 43 *Eliz. 2. §. 6. 8.*

Parishes in two Liberties. If a Parish be one part in such a Franchise, the other in the County, or lying in two Counties, the Justices shall meddle only within their own Limits, but the Overseers must execute their Office without dividing, *Ibid. §. 9.*

A Father and Grand-father. Mother and Grand-mother, Children and Grand-children of impotent Persons shall pay such Contribution to their relief as shall be assessed in Quarter Sessions, where such Contributors shall live, on forfeiture of 20 s. for every Month that they shall disobey, to be levied, &c. *Ibid. §. 7.*

The Husband of the Grand-mother is a Grand-father within this Statute, if his Wife were of Ability at the time of their Marriage; Or if an Estate after the Marriage descend to the Grand-mother; and the Sessions must order what he shall contribute towards the Charge

ile 283. otherwise perhaps it is, if she enrich her husband by her own industry; the same Law for a Father-in-Law.

Note, These directions in this matter.

If the Parents can work they ought to maintain their Children. Parents able.

The Fartherless Children are to be set at work and maintained where their Parents died, and not to be sent to the place of their Births; for if their Parents were not Vagabonds, &c. the Children shall not be accounted so, unless they wander to beg, as was held by *Fleming* Chief Justice, *Anno 11 Jac. Dalt. cap. 46.*

If any (not being a Rogue) Travel with their Children and die upon the Road, such place is not bound (but in Charity) either to keep or send away such Children, because they are not wandering Beggars. A Travelling Woman having a sucking Child, was apprehended for Felony, and after hanged. The Child must be sent to the place of its Birth, if it be known, or else sent where the Mother was apprehended; so ruled by *Nicholas Hide, Dalt. ibid.*

None may be suffered to beg by the Highway, or at any Man's Door, though in his own Parish, without leave of the Overseers.

To beg Meat and Drink for necessity in passing between one Town and another is not begging to make one a Beggar within the Statute, and such shall only be sent where born, or last legally settled, and not to the common Gaol as a Common Begger, *Stile 168.*

A Pedler carrying Wares to sell in private Houses (though in the same County) is a Vagrant; and punishable. *Jenkins 316. pl. 16.*

No Person whose Estate in his House is expired, or servant when his Service is ended shall be put out of the Parish, but shall work there if able, shall be relieved there if impotent; but if such Person shall wander thence, he may be sent to the place of his Birth as a Vagabond, *Ibid.*

It was delivered by *Sir Francis Harvey*, that the Justices (at least out of Sessions) were not to meddle with the removing or settling of any Poor, but of Rogues only.

If a Man hires a House in *A.* where he settles with his Family, and after binds himself a Servant in *B.* his Wife and Children are not to be sent to *B.* being settled

settled before, otherwise it had been if he had not hired them an House, in *A. Ibid.*

If a Person be put out of a Parish which ought not, this is fineable, as it seems by the Statute, 39 *Eliz. cap. 4.* and shall be levied by distress upon the Warrant of two Justices, upon the Testimony of two Witnesses, or upon Confession, *Dalt. Ibid.*

The Resolutions of Judges of Assizes touching some Matter relating to the Poor, 1633. Dalt. cap. 46.

If the Parents of Poor Children ordered by the Overseers, &c. to be bound Apprentices, shall refuse to permit the same, or being bound shall intice them away (they themselves not being able to maintain them) such Parents shall be sent to the House of Correction, *R. 7.*

A Person not enabled by the Statute of 5 *Eliz. cap. 4.* to live out of Service, and which being duly warned to put him or herself into Service shall refuse so to do, may be bound over to the next Sessions or Assizes, and to be of the Good Behaviour in the mean time, or be sent to the House of Correction, *R. 17.*

The Tax for the Relief of the Poor by the Authority of the Statute of 43 *Eliz. cap. 2.* shall be in the first place equally assessed upon all Lands in the Parish; but there may be an additional Provision made out of the Personal visible Estates of the Parishioners within the Parish, according to discretion, and the Sessions, &c. may Judge thereof, *R. 18.*

Petty Constable, Tything men, &c. are to be reimbursed of such Charges as they have been at in conveying Rogues and Vagabonds from Parish to Parish, by such way of Assessment as hath been usual in the Parish *R. 21.*

If a Woman Servant be with Child during the time of her Service, a Justice upon complaint of the Master may discharge her, and the Parish where she serves must provide for her as in other cases of casual impotency *R. 22.*

If a Woman be delivered of a Bastard-Child and the goeth into another Parish, the Child must be placed with the Mother so long as 'tis within the quality of Nursechild, and afterwards shall be sent to the place of its Birth to be provided for (the Mother or reputed Father not being of Ability) and the Parish where it was born shall not contribute to the Charge, whilst the Mother lives, and the Child be under seven Years old, *R. 23.*

If a Man and his Family be illegally thrust out of a Parish, during which time he hath a Child born, he must be returned to the place where he was last lawfully settled, and the Child with him to be maintained there, R. 24.

Servants and Apprentices becoming impotent; are to be maintained by the Parish where they served for a Month at least, R. 25, 26.

A Nursechild, a Scholar at School, or in the University, a Person in Gaol are not to be esteemed otherwise than as Travellers, and if impotent, ought to be maintained where their Parents are settled; and Children born in Common Gaols, their Parents being Poor are to be maintained at the charge of the County, R. 32.

Parsons, &c. shall bear their proportion to the Poores Rate, according to the value of their Parsonages, with Consideration to the just Deductions, R. 33.

The Persons which are to be maintained by a Publick Charge must be such as are become Poor, either,

1. By Impotency or Defect, as aged Persons, Infants, *What Poor Persons naturally disabled, as Idiots, &c. or Persons vi-* *ought to be* *maintain'd*
 ited with Sickness.

2. By casualty, *viz.* Maimed Persons, Housholders decayed by Fire, Robbery, Suretiship, &c.

Persons Riotous, dissolute, slothful or Vagabonds, *Poor not res-*
 are to be sent to the House of Correction, where they *lieveable.*
 shall be set to work, and live by their own Labours; but if at any time they become impotent, from thence forward they may be relieved, and not otherwise;
Dalt. cap. 46.

Two Justices may Licence the diseased Poor to travel *Licence to*
 to the Bath, so they Beg not, 39 *El. cap. 4.* 1 *Jac. cap. 25. travel.*

One Justice dwelling nigh the place where any Ship-*Testimonia*
 wrecked Person, poor Soldier or Mariner shall land, *al.*
 ought to give him a Testimonial thereof, and a Licence
 to pass to his own Dwelling, &c. in a time convenient,
39 Eliz. cap. 4. §. 14.

*A Collection of such Forfeitures as are given by several
 Statutes to the Poor.*

Of Alehouse-keepers that suffer Townsmen, &c. to con-
 tinue drinking in their Houses, by the Statute of 1 *Jac.*
cap. 9.

So of such as keep Alehouses without Licence

3 *Car. cap. 3.*

Of Alehouse-keepers selling less than one Quart of their best Ale or Beer, or two Quarts of their small for a penny, 1 *Jac. cap. 9. §. 3.*

Of Townsmen, &c. Tipling in Alehouses, *Ibid.*

Of Constables, &c. not levying the said Forfeiture or Whipping the Offender upon the Justices Warrant, &c.

Of Persons convicted for Drunkenness.

Of Money made upon sale of Tentors found by the Justices, or by the Overseers of the Cloth, 21 *Jac. cap. 18.*

Of penalties for want of length, breadth or weight of Cloaths, two third parts, *Ibid.*

The moiety of the forfeiture for destroying the Spawn of Fish, 3 *Jac. cap. 12.* See also 22 & 23 *Car. cap. 25 §. 7.*

Taking and destroying Pheasants, Partridges, &c. *Tit. Partridges.*

Taking or destroying the Eggs of any Pheasant, Partridge, &c. *Ibid.*

Forfeitures of such as shall meet out of their Parish on Sundays for Pastime, 1 *Cap. 1. cap. 1.*

Using unlawful Games in their own Parish on Sundays, *Ibid.* So for Butchers Killing, &c. 3 *Car. 1. cap. 1.*

Taking, destroying, tracing or coursing of any Hare in the Snow.

Keeping of any Grey-hound, Setting-dogs to take Partridges, &c.

Selling of any Deer, Hare, Partridge or Pheasant *Ibid. 1 Jac. cap. 27.*

For Hawking between the first day of July and the last day of August, See *Tit. Partridges.*

Of Overseers of the Poor negligent in the Execution of their Office, 43 *Eliz. cap. 2. §. 2. 9.*

Of Parents or Children not relieving each other according to the other Order of Sessions, *Ibid. §. 7. 9.*

Of such as shall any manner of ways disturb the relief or settling of the Poor, 39 *Eliz. cap. 4. §. 5.*

Of Persons absenting themselves from Church, & upon Sundays, &c. 3 *Jac. cap. 4. 35 Eliz. cap. 2.*

Of Persons hindring the Execution of the Law made the 39 *Eliz. cap. 4.* concerning the punishing or conveying Rogues.

Of Constables not receiving a Rogue delivered to him, or not delivering him to the next Constable, 1 *Jac.* c. 7. §. 7.

Of a Parson for not reading Common Prayer once a month, 14 *Car.* 2. c. 4. §. 7.

Of a third part of the Forfeitures concerning Highways, 22 *Car.* 2. c. 12. §. 7.

Of a Town not receiving a Rogue sent thither to be settled.

Of a Minister not keeping a Register Book, or not entering therein the Testimonials made for conveying Rogues punished in his Parish, 39 *Eliz.* c. 4.

Of Constables not doing their endeavour to apprehend, punish and convey all Rogues. *Ibid.*

Of any person who shall not apprehend any Rogue begging at his Door, or bringing any Rogue into the Realm, *Ibid.*

Of Carriers and Drovers, &c. Travelling upon the Sunday, 3 *Car.* 1. c. 1.

Of such as observe not the Statute of 4 & 5 *W. & M.* cap. 7. concerning Butter and Cheese.

4 & 5 *W. & M.* cap. 23. Of such as destroy the Game.

Of such as keep Swine in *London* and *Westminster*, 2 *W. & M.* Sess. 2. cap. 8. *Abridg. London* 37.

Of such as unlawfully hunt Deer, &c. 3 & 4 *W. & M.* cap. 10.

Of Officers and Soldiers destroying Game, 4 & 5 *W. & M.* cap. 13. *Abridg. Soldiers* 31. This Act is revived 2 & 3 *An.* cap. 20.

Of Overseers, &c. not Registering notice of Settlements in Towns, &c. 3 & 4 *W. & M.* c. 11. Or refusing to receive a party removed.

By the Statute of 14 *Car.* 2. cap. 12. one or more Corporations or Work-houses is to be made within *London*, *Middlesex* or *Surrey*, and within the Limits of the Weekly Bills of Mortality; and for regulating the same it is provided, That in *London* the Lord Mayor shall be President, the Aldermen and fifty two Citizens to be chosen by the Common Council shall be Assistants, and that all these shall chuse a Deputy Treasurer, &c.

That the Lord Chancellor, &c. in the City of *Westminster* chuse the President, &c. and the vacancies to be supplied by the Justices.

That in *Middlesex* and *Surrey*, the President, &c. shall be named, and upon any vacancy supplied by the Sessions respectively.

Which President, &c. shall be a Body Corporate, and may purchase not exceeding 300 *l.* per annum.

The Justices at every Quarter Sessions must take an account of the Treasurer, &c.

The President, &c. may apprehend Rogues, &c. within their Precincts, and set them to work.

If the President certify the defect of a Stock to the Common Council in *London*, and Justices at the Sessions for *Surrey* and *Middlesex*, they may rate the Inhabitants not exceeding one Years Rate, and proportion the same, and the Appeals shall go to the next Sessions.

These may by Warrant authorize the Church-wardens, &c. to receive the Money so assessed, or levy the same by Distress. See the Statute at large.

Some other parts of this Act, being Temporary, it was revived by 1 Jac. 2. and both revived as to what relates to Settlement of the Poor, by Act 3 & 4 W. & M. cap. 11. by which it is Enacted, That the forty days to make a Settlement of a person, &c. in a Parish, &c. shall be accounted from the publication of Notice in Writing of the House, and number of the Family, to be read in the Church by the Overseer or Churchwarden the next Lords-day after Divine Service.

The Overseer, &c. neglecting to read, forfeits to the Party grieved, upon proof by two Witnesses upon Oath before a Justice of the County or Place 40 *s.* to be levied by Distress and Sale, for want of a Distress Commitment to the Common Gaol without Bail for a month.

The Overseer, &c. neglecting to register such Notice forfeits in like manner 40 *s.* to the use of the Poor of the Parish, and Commitment for want of Distress, as aforesaid.

Such as on his own account shall execute any publick annual Office or Charge in the Town, &c. during a year shall be adjudged a legal Settlement, though no notice as afore.

It shall be adjudged a good Settlement if an unmarried person, having no Child or Children, be hired into Service for a year, though no notice, &c.

Also of such as shall be bound Apprentice by Indenture, though no notice, &c.

The party grieved may appeal to the Quarter Sessions, who may determine it.

If a person by this Act be removed by Warrant of two Justices from one place to another, Churchwardens or Overseers are to receive him upon forfeiture of 5 *l.* to the Poor of the Parish from whence removed, upon proof of two credible Witnesses, upon Oath before any Justice of the County or Town to which the Party shall be removed, to be levied by Distress and Sale, and Commitment for want of Distress to the Common Gaol of the County or Place for forty days without Bail.

The Party grieved may appeal to the General Quarter Sessions of the County or Liberty from whence the Parties were removed.

The Names of the Parties receiving Collection, and the Cause to be registred, and in *Easter-Week* the Parishioners to meet in their Vestry, &c. and call them over, and a new List to be made and entred, and none other to be allowed but by Authority under the Hand of one Justice of the Place, and if none there, of the Parts next adjoining, or by order of the Quarter Sessions, except in cases of Plague, Small Pox and Pestilential Diseases, in respect only of the Families infected.

The Parishioners, except Alms Receivers, upon Trial against Churchwardens and Overseers for mispending the publick Money, shall be allowed for Evidence.

Other parts of the Act 14 *Car.* 2. not continued by 3 & 4 *W. & M.* continued by 4 & 5 *W. & M.* cap. 24. from *Feb.* 1692. for seven years. Continued further for seven years, from *Mich.* 1700. 11 & 12 *W.* 3. c. 13.

By the *Sta.* 8 & 9 *W.* 3. cap. 30. Any person coming to inhabit in any Parish, and bringing a Certificate allowed by two Justices, testifying him to be an Inhabitant of the Parish from whence he brings his Certificate, shall be received; and when he becomes chargeable (not before) he and his Children, though born in the new Parish, shall be removed to the Parish from whence he came.

All persons receiving Collection and Relief of any Parish, shall wear upon their right Sleeve a Badge, being a large Roman P. with the first Letter of the Parish where they inhabit, upon pain of losing their Collection, or being whipt at the House of Correction, and

there kept to hard Labour for twenty one days, as an Justice of Peace shall Order. If any Churchwarden or Overseer shall relieve any Poor, not having a Badge, he forfeits 20 s. to be levied by Distress, one half to the Informer, and the other to the Poor of the Parish.

Upon Appeals concerning Settlements, Justices of Peace at their Quarter Sessions shall award to the Plaintiff, for whom such Appeal shall be determined, such Costs as they think Reasonable, &c. the same to be levied by Distress; or if none to be had, Imprisonment for twenty days.

No unmarried person lawfully hired into any Parish for one Year, shall be adjudged to have a good Settlement, unless such person continue in the same Service for one whole Year.

Persons to whom poor Children are appointed to be Bound Apprentices, by two Justices of Peace, according to the Statute 43 *Eliz. cap. 2.* shall not refuse to take and provide for them, under penalty of 10 l. to the use of the Poor of the place. Saving to the poor Child his Appeal to the Quarter Sessions, whose Order shall be final.

Appeals about Removals shall be the Quarter Session of the Place from whence the party is to be removed and not elsewhere.

This Act not to extend to make void any promise already made, touching the taking back any Poor: Nor to abridge the Authority of the Justices of Peace within the Liberty of St. *Albans.*

By the Statute 9 & 10 *W. 3. cap. 11.* No person or persons who shall come into any Parish by any such Certificate as is mentioned in the Statute 8 & 9 *W. 3. cap. 30.* shall be adjudged by any Act whatsoever to have procured a legal Settlement in such Parish, unless he or they shall really and *bona fide* take a Lease of a Tenement of the yearly value of Ten Pound, or shall execute some Annual Office in such Parish, being lawfully placed in such Office.

Posse Comitatus.

IN all cases where the Justices of Peace, Sheriff, or other Officer is enabled to take the Power of the County, he may command the Attendants of all Knights, Yeomen, Husbandmen, Labourers, Tradesmen, Servants and Apprentices, and all other persons above the Age of fifteen and able to travel, *Dalt. cap. 130.*

But Women, Ecclesiastical persons, and decrepit or diseased persons shall not be compelled to attend them.

In such Cases it is referred to the discretion of the Justice, &c. what number he will have, and after what manner they shall be armed.

Any Justice, Sheriff may take what number he pleases in his own County to arrest and imprison Traytors, Murderers, Robbers and other Felons, such as do break or go about to disturb the Queen's Peace, and all persons required ought to assist them.

The Justice, Sheriff or Under-Sheriff may take the *Posse Comitatus* to suppress Riots, *Vide Tit. Riots.*

One Justice alone may take the power of the County for suppressing Riots, *14 H. 7. f. 8.*

One Justice in case of a Forceable Entry may take the *Posse Comitatus*, to remove the person, as by his own view, or by inquisition taken before him, shall be bound to have made any Forceable Entry or Detainer with force.

The Sheriff or other Officer upon Warrant for the apprehending any Popish Recusant standing Excommunicate, may take the power of the County, *3 Jac. cap. 4. s. 35.*

The Sheriff, Under-Sheriff or Bailiff, &c. if need be, may by the Common Law take the power of the County to execute the Queen's Process, Writ, whether it be of Execution, Replevin, &c. *Co. Rep. l. 5. f. 115. b.*

Such as shall not assist, being lawfully required, shall pay a Fine to the Queen.

If a *Supplicavit* be directed to a Justice, he may upon resistance either by himself, or by his Warrant take the *Posse Comitatus* to arrest the party, though he be a Peer, *5 Co. 115. b.*

Besides this, the Sheriff is enabled by his Writ of Assistance under the Great Seal, which commands all Archbishops, Bishops, Dukes, Earls, Barons, and other Subjects

jects within the same County to be aiding to him in whatsoever concerns his Office.

The Constable of a Town upon an Affray or a Felony committed, or where one hath hurt another, whereby he is in peril of death, or to execute the Warrant of a Justice of Peace, may take the aid of his Neighbours, or of other persons present to execute his Office. 5 H. 7. 10. 13 H. 10. *Bro. Trespass* 432.

And indeed every Conservator of the Peace at Common Law, *viz.*

High-Constables, Petty-Constables, Coroners, Sheriffs, Stewards of the Leet, or of a Court of Py-powder, Steward, of the Sheriffs Turn, or other Judges of any Court of Record, may take meet help of others, to pacify and arrest all such who in their presence, and within their Jurisdiction shall go about to break the Peace by deed or word, *Dalt. c. 130.*

Every person may assemble his Friends and Neighbours to defend his person, &c. being in his House against violence, &c. but not to go abroad with them at a Fair or Market, &c. 11 Co. f. 82. 21 H. 7. 39. b.

Preachers.

IF any person shall maliciously disturb any Preacher in time of Sermon or Divine Service, or be procuring, abetting thereunto, or shall rescue, &c. any Offender therein, every Justice within the County, upon due Accusation, shall commit such Offenders brought before him to safe Custody, by 1 M. Sess. 2. c. 3.

Within six days after such Commitment, one other Justice of that Shire, joining with the Justice that committed the Offender, shall examine the Offender, and if they shall find him guilty by two Witnesses, or Confession, they shall commit him to Gaol without Bail for three months then next ensuing, and farther to the next Quarter Sessions, &c.

There are some doubt whether this Statute is now wholly repealed by 1 Eliz. cap. 2. See *Lamb. 199.* But it seems that this matter about disturbance of Preachers is a several Statute by it self, and unrepealed, and of this Opinion was *Crompt. f. 14.*

Prisons and Prisoners.

ANY Justice which shall commit an Offender, if the Offender (being of Ability) shall refuse to defray the Charge of guarding him, &c. to the Gaol, or not pay the same at the time of his Commitment, may grant his Varrant, &c. to the Constable, &c. of the Hundred or Town, where such Offender shall be dwelling, or where he shall have any Goods within that County, &c. to sell so much of his Goods as will satisfie such Charges; the Appraisement to be made by four Inhabitants of the same place, rendering the overplus. And where the Offender hath not Goods, the Charge shall be born where he was taken, and the Taxation made for that purpose shall be allowed under the Hand of one Justice, 3 Jac.

cap. 10.

The next Justices or the Quarter Sessions may adjudge what is fitting to be taken for each Nights Lodging, or other Expences by any Under-Sheriff, Bailiff, &c. who hath any person in his Custody by virtue of any Process, &c. whilst he is under Arrest, and not yet carried to Prison, 22 & 23 Car. 2. c. 20. §. 9.

Three Justices, *Quorum unus*, may settle what Fees any person shall pay for his Commitment, Discharge and Chamber-Rent, *Ibid.* §. 10.

All Justices shall use their endeavours to find out all legacies, &c. to poor Prisoners for Debt, and to send for any Writing, Will, Deed, &c. touching the same, and also any person concerned therein, and to make Order thereupon, All which shall be signed and confirmed by the Justices of Peace, and Judge of Assize, and hung up in a Table of every Gaol, and also registred by the Clerk of the Peace; after which no other, nor greater, Fees may be taken, *Ibid.* §. 11, 12.

The Quarter Sessions may provide a Stock to set Prisoners on work, which shall be levied in such manner as other County Charges are raised, and provide fit persons to oversee them; make Orders therein, which from time to time they may alter and amend, provided that no Parish be rated above 6 d. a Week, 19 Car. 2.

cap. 4.

The Sheriff or person which hath the Custody of the Gaol, by consent of four Justices, *Quorum unus*, upon emergent Occasions may provide other safe places for removal

of sick persons in his Custody ; The like may be done in Corporations, *Ibid.* §. 2.

Subjects committed not to be removed but by legal Writ, or where delivered, or sent by Justice of Peace &c. to a Work-house, 31 Car. 2 cap. 2. §. 9.

By Stat. 2 & 3 An. cap. 16. Persons in Prison on the 8th of November, 1703. for Debt, or mean Process, or Execution, or for Contempt, may be brought before the Justices of the Peace at the Quarter Sessions, and upon taking the Oath in the Act mentioned, may be discharged in such manner as by the Act directed. But no Man shall, during the present War with France and Spain, be discharged from his Imprisonment, or have any Benefit of this Act, unless he Enter or List himself in the Queen's Service by Sea or Land, or in his stead procure an Able-bodied Man to be Listed, and continue in the Service during the present War. See the Statute.

Process.

THE Court being possessed of the Cause, must by Duty proceed to the Trial of it, which cannot be done indifferently, except the Offender be as well heard to discharge himself, as others to accuse him.

Therefore if he be present, and confess the Indictment, he shall be forthwith committed till he make Fine; or give Sureties, 1 H. 7. 20. Bro. Imp. 100. Lamb. 501.

If he be absent Process shall be awarded against him till he come in and make his answer.

An Indictment or Information being but an Accusation against him, is of no other force but to put him to answer ; and hereof Process hath the Name, because it proceedeth on former matter, either Original or Judicial.

The Authority of making Process upon Indictment is given by express words in the Commission. In other Cases by some Statutes, and sometimes to Justices out of their Sessions, sometimes to one single Judge. See Tit. Forceable Entry, and Tit. Sheriffs.

It is likewise in other cases implied of Congruence or rather of Necessity, in the words *hear* and *determine* ; where power is given to the Justices out of Sessions to hear and determine, for otherwise the Justices cannot proceed, unless the party come in *gratis*.

The Warrant of a Justice is only to attach and confine the party before Indictment, and may be either in the Name of the Queen or of the Justice. Process is always in the Name of the Queen, and after an Indictment found, or after other Conviction.

First, A *Venire* is usually awarded by the Justices under their own *Teste*, if the party be absent; and if thereupon he be returned sufficient, and makes default, a *distingas* is to be awarded *infinite* till he come in; but if a *Nichil habet*, &c. be returned at first, then after a *Venire facias*, a *Capias*, then an *Alias*, and after a *Pluries* shall go forth, and after that an *Exigent* till the party yield himself, be taken or outlawed, *Dalt. cap. 143*.

These are the ordinary Processes upon Indictments of Trespasses against the Penal Statutes, not being Felony or greater Offence.

These Processes shall be directed to the Sheriff, except himself or his Officers be Parties, and then it seemeth such Process shall be directed to the Coroners of the County.

The Queen's Process must be with a *Non omittas propter aliquam libertatem*, &c. But the *Teste* may be under the Name of a Justice.

If the party be outlawed, the Justices can make no *Capias utlagatum*, but must certify the Outlawry to the Queen's Bench, *Lamb. 503*.

Process (as well of *Capias*, &c. as of Outlawry) may be stayed by a *Superseas* from other Justices, testifying that the party found Sureties to answer, or to pay his Fine.

The Authority of Justices in sending these Processes out of Sessions is beyond the bounds of their Commission, and therefore they must have the Authority of some Statute either express, or at least by implication.

By the Statute of 11 H. 6. *cap. 6*. it is provided that no Plea, Suit or Process taken before Justices shall be discontinued by a new Commission of the Peace.

Observe these Processes in the cases ensuing.

A Justice of the County, or Town Corporate, may award as many Writs of *Capias* as shall be necessary to any Sheriff or Officer in another County, where a Servant or Apprentice in Husbandry, &c. resident which hath departed from his Master, contrary to the Statute of 5 Eliz. *cap. 4*. And these may be made returnable before himself what time he pleaseth.

Justices

Justices in a County where a Person is indicted Treason, Felony, or Trespass, may award Process the Sheriff of another County where the Party is abiding, to apprehend him.

In such cases there must Issue two *Capias*'s, the latter of which must be with Proclamations, and ought to contain three Months betwixt *Teste* and Return, 8 H. cap. 10. If the party indicted be named in the Indictment in another County by an *Alias dictus*, this is out of the said Statute, because the *Alias dictus* is not traversable, *Lamb.* 508.

An Exigent shall not go forth against the Accessory till the principal be attaint, *Westm.* 1. cap. 14.

If an Exigent upon an Indictment before Justices of Peace be returned *Quarto exactus*, an Exigent *de novo* shall issue forth.

If a Man be arraigned of Felony before Justices of Peace, they may award Process to try him the next day 22 Ed. 4. 44.

Upon the Statute of 22 H. 8. cap. 5. concerning Bridges, such Process shall be awarded, as shall be thought fit by the Justices.

New Justices may award Process on Indictments taken before former Justices, 11 H. 6. c. 6.

The Justices of the Peace may award such Process upon an Indictment, removed before them from the Sheriffs Tourn as should have issued if it had been taken Originally before them, 1 Ed. 4. cap. 2. *Stamf.* 87.

The like Process shall be awarded where the Sheriff or Bailiff of a Franchise is indicted for not executing Process upon 8 H. 6. cap. 9. of Forceable Entries.

Process shall be Awarded against Foresters, Regraters and Ingrossers, upon the Statute of 5 Ed. 6. cap. 1. as if they were indicted by Inquisition or Verdict of twelve Men, §. 10.

The like Process shall be awarded by 5 Ed. 6. 25. against him that hath broken his Recognizance, for keeping an Alehouse, to shew cause why it should not be forfeited, §. 3.

Like Process shall issue against him which is indicted upon 25 H. 8. cap. 13. (for keeping more Sheep than are there allowed) as is usual in Trespass before Justices of the Peace.

The Justices for the Offences mentioned in 27 Eliz. 12. (for Sheriffs, &c. not taking the Oaths) upon Conviction

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tion, may award Execution for Forfeiture, by *Fieri Facias*, *Attachment*, *Capias* or *Extent*.

Prophecies.

any one shall punish by Writing, Speech or Deed, &c. any phantastical or false Prophecie, upon or by occasion of Arms, Fields, Beasts, &c. or by reason of Time, Year, Day, &c. make any Rebellion or Disturbance in the Realm, &c. he shall for the first Offence, be imprisoned a Year without Bail, and forfeit 10 l. For the second Offence, be imprisoned for Life, and forfeit all his Goods to the Queen and Prosecutor, *Eliz. cap. 15.*

All and every Justice of Assize, Justice of Oyer and Terminer, and Justice of the Peace have Authority to hear and determine these Offences, so as the party be accused within six Months, *Ibid.*

Purveyance.

NO Person by Commission, &c. or by colour of Purveyance for the Queen, &c. shall take Timber, Fuel, Cattle, Corn, &c. or other thing whatsoever, without the Owners free consent, nor Summon any Carriage for such use without the Owners like consent, *2 Car. 2. cap. 24. §. 13.*

No Pre-emption shall be allowed in behalf of the Queen, &c. in or out of Market, but the Queen's Subjects may sell their Goods as they list, *Ibid.*

If any Person shall make Provision or Purveyance for the Queen, &c. or impose any Carriage on pretence or colour of any Warrant whatsoever, any one or two Justices next adjoining, and the Constables of the Parish are hereby enjoined to commit the Offender till the next Session, there to be indicted, and at the request of the party grieved, who shall moreover recover treble Damages and treble Costs, in an Action at Law, *Ibid.*

Quakers.

BY the Statute of 7 & 8 W. 3. cap. 34. In Cases where by Law an Oath is required, a Quaker shall instead of the usual Form, be permitted to make His or Her solemn Affirmation or Declaration in these Words viz. *I A. B. do declare in the Presence of Almighty, God to be the Truth of what I say.*

Which shall be adjudged and taken to be of the same Force and Effect as if the Quaker had taken the Oath in the usual Form; and if such Person shall be convicted of wilful falsity therein, he shall incur the same Penalties as for wilful Perjury.

No Quaker shall by virtue of this Act be qualified to give Evidence in any Criminal Cause, to serve on a Jury, or to bear any Office of Profit in the Government.

Where any Quaker shall refuse to pay, or compound for great or small Tythes, or any Church Rates, the two Justices of the Peace (not being any ways interested in the said Tythes or Patronage of the Church) may examine the Complaint, and by Order under their Hands and Seals, direct the payment thereof (not exceeding 10 l.) which upon refusal to be paid may be levied by Distress, by Warrant from either of the said Justices.

The Party grieved may Appeal to the next Quarter Sessions, whose Judgment shall be Final, and no Certiorari to be allowed.

In case of Appeal no Warrant of Distress shall be granted till the Appeal be determined.

This Act being Temporary, was continued from the 22 of November, 1702. for 11 Years, and from then to the end of the next Session of Parliament, by an Act made 13 & 14 W. 3. cap. 4.

Rates for Water Carriage, &c.

BY an Act 6 & 7 W. 3. cap. 16. It is enacted, That the Justices of Peace for the time being of the several Counties of *Wiltz, Gloucester, Oxford, Berks* and *Hucks* within their respective Counties for ever hereafter shall be Commissioners to put this Act in execution, viz.

The said Commissioners, or any five of them, have power at their respective General Quarter Sessions of the Peace, upon examination of the Matter in controversy, upon Oath to make Orders and Constitutions for settling reasonable Rates to be taken from the Owners of Barges, Boats or Vessels by the Occupiers of all Locks, Weirs, &c. or other Engins within their respective Counties upon the Rivers of *Thames* and *Isis*, for the help of the Barges, &c. may receive thereby; giving respect to the ancient Rates, and necessary Charges of Repairs, and such other necessary Rules concerning the Navigation, and concerning such Locks, &c. other Engins, and the shutting, opening, penning, drawing, use or management thereof, and concerning the Barges, Boats or Vessels by; through or with the help of the same, and the Behaviour of the Bargemen, &c. working in such Barges, &c.

The said Justices, or any five of them; in their respective General Quarter Sessions next after *Easter* Year, are to assess the Rates and Prices of Carriages of all sorts of Goods from any place in their respective Counties to any other place upon the said Rivers, and give publick notice thereof to the head Officer in every Market Town within their respective Counties.

The Persons offending against such Rules forfeit 5 *l.* for every Offence, to be recovered at *Westminster*.

Nevertheless the Justices of Assize may upon complaint of Persons agrieved within one Year after the making such Rules, &c. confirm, vacate or alter the same as shall be thought most convenient.

All the Rules, &c. other than of the Rates for Carriage, to be written in Parchment, and signed by the Commissioners, or five of them, and be kept amongst the Records of the Sessions of the Peace of that County.

And the Rules, &c. other than of the Rates for Carriages, so signed or confirmed, or altered on Appeal shall continue in force for seven Years, and until some new Order, &c. shall be made, which shall also be subject to the like Appeal.

If any doubt shall be made amongst the Commissioners in what County any such Locks, Weirs, Buoys, Winches or other Engines, are or shall be, they shall be adjudged subject to the Jurisdiction of the Commissioners of that County, within which the same are or shall be taxed or rated to the Church or Poor.

These Commissioners not to execute their Powers between *Berckot* and *Oxford*, nor to impeach the Act for making the River of *Thames* Navigable from *Berckot* to *Oxford*, but to be left to the Commissioners in that Act; and that upon the death of any of the present Commissioners for that Act the surviving Commissioners for the City of *Oxford* may elect another in his stead; this Act not to impeach the Jurisdiction of the City of *London*, or other Bodies Politique or Corporate, or other Person or Persons whatsoever.

Every Barge-master and Owner is made responsible for the Damage that shall be done by his Barge or Boat, or the whole, or any of the Crew of his Bargemen, or any of the Weirs, Locks, &c. and others Engines, and may be sued for the same, and the Plaintiff shall recover his Damage and full Costs.

This Act to continue in force from the first of May 1695. for nine Years, and thence to the end of the next Session of Parliament, and no longer. Exp.

Recognizances in general.

A Recognizance is a Bond of Record taken usually by a Judge or Officer of Record, testifying that a Recognizor to owe a certain Sum of Money to himself or other, *Dalt. cap. 127.*

A Recognizance is a Record presently before it made up in form, *Stamf. 77. a*

A Justice of Peace by his general Authority may deliver a Recognizance into the *Queen's Bench* with his own Hand, *Palmer 311.*

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A Justice of Peace may take a Recognizance of 1000*l.* for the Peace, if the Person be dangerous, *Stiles* 322.

The Notes that are taken in paper are good Records, *2 Roll Rep.* 239.

All Recognizances taken by Justices of the Peace must be made to the Queen by the words (*Dem. Regina*) upon pain of Imprisonment, and such Recognizances are in nature of a Statute Staple, 33 *H. 8. cap.* 39.

These the Justices of Peace are in some Cases enabled to take by express Statute; In other Cases it is rather by Congruity, than either by their Commission or Statute.

Note, Where ever a Statute gives them power to take a bond to bind any Man, to appear at the Assizes, &c. to take Sureties for any Matter, or but to cause a person to do any thing; In all these Cases they have (in Congruity) power given them to bind the party by Recognizance to do it; or commit him.

In Case where a Justice, &c. has power to take Recognizance, if the party refuse to be bound the Justice, &c. may send him to Gaol.

By the Statute 4 & 5 *W. & M. cap.* 18. Every Justice of the Peace may take Recognizances from persons procuring Informations in the *Queen's Bench* to be entred to the person against whom such Information or Informations is or are to be exhibited, in the penalty of 20*l.* that he, she or they will effectually prosecute such Informations, and abide by and observe Orders as the Court shall direct.

The like upon the removing of Indictments by *Certiorari*, See before *Tit. Certiorari*.

In the Cases following the Justices out of Sessions may take Recognizances.

One Justice may take Recognizances for the Peace or Good Behaviour by their Commission upon Complaint made to them, or upon a *Supplicavit* delivered to them.

One Justice may bind by Recognizances such as declare any thing against a Felon to appear at the Assizes, &c.

May bind such as keep Common Alehouses, &c. or unlawful Games that they keep them no longer: And such as play at unlawful Games that they use the same no more, 33 *H. 8. cap.* 9. §. 14

May bind over persons suspected to use Logwood in dyeing, and such as can discover the same.

May bind takers of Partridges, &c. and Hawkers in Corn to appear at the next Sessions, See *Tit. Partridges*.

May bind persons convict for destroying Pheasants &c. that they offend not thereafter.

May bind a Master misusing his Apprentices, &c. to appear at the next Sessions.

Two Justices may take Recognizances of Alehouse-keepers for keeping good Orders.

May bind an Alehouse-keeper (committed for victualling without Licence) that he keep no more an Alehouse.

May bail Prisoners to find Sureties for their Appearance, &c.

May bind the Overseers of Cloth to see the Statute observed.

May bind the Defendant in a Suit of Tythes to obey the Sentence of the Judge.

May bind an Offender of a Penal Statute to appear at the Sessions.

A Justice can take no Recognizance but only for such Matters as concern his Office.

If a Justice take a Recognizance where he hath no power, it is absolutely void.

These Recognizances are to be certified by the Justices at the next Quarter Sessions, except such as are to inform against Felons, and upon Bailment of Felons which upon Statutes they are to do at the next general Gaol Delivery, 3 H. 7. cap. 1.

Recogni-
ances for
the Peace.

If a Recognizance for the Peace be taken by a Justice *ex Officio*, the number and sufficiency of the Sureties, the Sum wherein, &c. And the time how long, is wholly left to his discretion. But if it be taken by virtue of a *Supplicavit*, &c. it must be done as the Writ prescribes; yet if no Sum be expressed therein, &c. The Justice as to such Matter is left to his Liberty. See amongst the Presidents, *Tit. Recognizances*.

Justices in their Sessions may examine the Sureties upon Oath of their sufficiency, *Crompt. 194*.

If a Justice bind one for his Life he cannot afterward release him. If the Recognizance be general and no time limited, it shall be intended for Life. If no mention be made in the Recognizance, or in the Condition of it, that it is for the preservation of the Peace, such Recognizance seems to be void; so it is if the party be bound not to beat or maim *J. S.* for it ought to be to keep

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the Peace in general; but it is good though no time of appearance be contained in it.

A Recognizance to keep the Peace towards the Queen and all her people, or towards *A* only, or towards *A*. and his Servants, is good. A Justice who takes Recognizances by virtue of a *Supplicavit*, may keep it uncertified till he receive a *Certiorari*.

The Justices cannot award any Process upon a Recognizance forfeited, but they must certify the same with the Cause of Forfeiture into some of the Courts at *Westminster*.

Note, If the Sureties die, the Principal is not compellable to find new ones.

Whatever is a Breach of the Peace, is a forfeiture of the Recognizance entred into for the keeping it.

Menacing Words to the person himself at whose Suit *What Act* he was bound to the Peace, is a Breach of it; otherwise it is in the absence of such party, unless he lies in *Forfeiture* wait to put that in Execution which he hath spoken. *of the Recognisance*. Every Assault, Battery, going with Armour, or unusual Attendance in terror of the people, commanding another to break the Peace, if it be afterward done: False Imprisoning, Thrusting another into the Water whereby he is in danger of drowning, Ravishing a Woman, Committing Burglary, Robbery, Murder or Manslaughter, or procuring the same; Treason against the Queen's person, Assembling riotously, Wounding one another at Back-Sword, &c. though they play by consent, Retaining a Servant departed against his Will. All these are Forfeitures of the Recognizances. *Dalt. cap. 84.*

But if the Parent chastise his Child within Age, the *What shall* Master his Servant or Apprentice, the School-Master *be no For-* his Scholars, The Gaoler his unruly Prisoners, A per-*feiture*. son confining his mad Relations, A Constable, &c, striking a person that will not yield to his Arrest, Beating of another in defence of his own person, or the person of his Father, Mother, Master, Child within Age (not able to defend himself) or of his Goods, or Possession, his lawful Way, or ancient Water-course; the executing the Law, as Whipping, &c. by an Officer authorized, Unlawful entring into Lands, &c. (though with force) so that it be without violence to the person of any one, or terror to the people, or taking away another Man's Goods wrongfully or feloniously, so it be

not from his person. All these are no Forfeitures of Recognizances. *Ibid.*

Note, If a Man be bound for himself and his Servant if any of them break the Peace the whole Recognizance is forfeited.

If a person be to appear at a certain day his Appearance must be recorded to have been on that very day.

What shall discharge the Recognizance. One bound generally to the Queen, and all her people may (upon his Appearance at the Sessions) be discharged by Proclamation.

The Conusor must appear, and his Appearance be recorded, though his Recognizance be not certified by the Justice.

If the Recognizance be removed by *Certiorari*, the Conusor need not appear at the Sessions, for the Justices cannot call him, having nothing before them.

Neither the Queen's Justice, or party, can release or otherwise discharge one bound to the Peace for his Life. One bound to the Justice by his discretion to appear at a certain day, may be released by him; and this shall excuse his appearance.

A Recognizance to keep the Peace toward *A.* only shall be released by *A.* alone, and such Release certified to the Sessions dischargeth the Conusor of his Appearance so it is of a Recognizance *Versus cunctum populum & precipue versus A.* It seems *A.* may release it.

The Justice ought to certify the Recognizance to the Sessions though released.

Note, The Peace may be released before any Justice taken, and a *Relaxatur* is entred thereupon; For a Release under Hand and Seal is void.

The Demise of the Queen; The death of the Conusor or of him at whose Suit the Peace was granted (whether the same were to be kept towards himself alone, or *versus cunctum populum & precipue versus* himself) shall discharge the Recognizance, *Lamb.* 116.

Recusants.

THIS word Recusant doth properly signifie such person only as on account of Adherence to the Church of *Rome*, in her meerly pretended Supremacy over other Churches; doth deny to Temporal Princes claiming under God Imperial Thrones, that Supremacy which they lawfully claim as their Charge and Duty, and which by the Statute of 26 H. 6. cap. 1. is justly reunited to the Imperial Crown of this Kingdom. Former Princes have lopt the Branches, but this Prince laid the Ax to the Root. By the Statute of 24 H. 8. c. 12. he discharged all Appeals to *Rome*. By 25 H. 8. cap. 20. and 26 H. 8. cap. 3. he stop'd the Court of *Rome* from receiving First-fruits. By 25 H. 8. c. 21. he took off the payment of all Impositions to *Rome*. Lastly, by the aforementioned Statute of 26 H. 8. c. 1. to compleat all, he reassumed the Supremacy; and so it continued all his Reign, and his Son's, and the beginning of Queen *Mary*, who at first began to omit it in her Stile, and at length prevailed for an Act of Parliament to repeal it. But that Statute of Repeal by 1 Eliz. c. 1. was repealed, all Foreign Jurisdiction put away, and the ancient Preheminencies of Right belonging to the Crown of *England* most justly re-established, which hath happily continued to our Days.

But since those times other Statutes have been enacted *Sectaries.* against another sort of people called *Sectaries* disobeying some Matters in Causes Ecclesiastical, some of them forbearing to come to Church, against these *Sectaries* 35 Eliz. c. 1. was made, and many other Laws since that time.

These sorts of People have been called Recusants promiscuously of late times, and the Laws made against the former have been likewise put in Execution against the later.

But now by the Stat. 1 W. & M. Sess. 1. cap. 18. neither the Statute made 23 Eliz. c. 1. nor 29 Eliz. c. 6. nor 1 Eliz. c. 2. nor 3 Jac 1. c. 4. and 5. nor any Statute made against Papists or Popish Recusants (except 25 Car. 2. c. 2.) shall be construed to extend to any person Dissenting from the Church of *England*, that shall take the Oaths, &c. Such persons are also exempted from the Penalties mentioned in the Statutes of 35 Eliz. c. 1. and 22 Car. 2. c. 1.

The Statute of 1 *Eliz. c. 2. §. 14.* for 1 s. a Sunday for not going to Church, extends to Sundays and Holidays; and it is holden by some persons, that repairing to Church every Sunday must be as well to Evening as to Morning Prayers.

Now that you may know what are Holidays, I refer you to 5 & 6 *Ed. 6. c. 3.* and to the *Rubrick* of the *Common Prayer*.

The Oath of Supremacy must be taken by Spiritual persons, by all Lay-persons preferred by the Queen to any Office, and such persons as are appointed by the Statute 5 *Eliz. c. 1.*

If any person by Writing, &c. shall maintain the Authority or Jurisdiction, &c. of any Foreign Prince, Prelate, &c. such Offender shall forfeit to the Queen all his Goods and Chattels; and if his Goods shall not be worth the Sum of 20 *l.* then over and above the Forfeiture of his said Goods, he shall be imprisoned for a year 1 *Eliz. cap. 1.*

If he be a Spiritual person he shall forfeit all his Spiritual promotions, and for the second Offence incur the penalty of a *Premunire*, and for the third Offence suffer a for Treason, *Ibid.*

All persons admitted in *Ordines Sacres*, or Graduates in the Universities, School-Masters, persons taking all Degrees of Learning at Common Law, all Attorneys, &c. All persons belonging to the Canon or any other Law admitted in *England*, &c. shall take the said Oath *Ibid.*

The punishment is a *Premunire*, the Offenders may be returned into the *Queen's-Bench*, and there indicted, &c. *Ibid.*

If any person above sixteen, absents from Church one month, shall perswade the Queen's Subjects to oppose her Authority Ecclesiastical, &c. he shall be committed without Bail till Conformity, being required by the Bishop or Justice of Peace, &c. or abjure the Realm 35 *Eliz. c. 1.*

If such person shall refuse to abjure, or not depart or return afterwards, &c. he shall be judged a Felon *Ibid.*

Such Abjuration shall be entred upon Record by such Justices, before whom it shall be made, and by them it shall be certified to the next Gaol-delivery, *Ibid.*

If before Abjuration the party shall go to Church and declare his Conformity, he shall be discharged, which

The Minister shall enter into a Book and certify to the Bishop, *ibid.*

If a Party shall relapse, not go to Church, or go to Conventicles, his Submission shall become void, *ibid.*

§ 7.

The Penalties by 23 *Eliz. cap. 1.* and 35 *Eliz. cap. 1.* shall be recovered to the Queen's use by Debt, &c. in the *Queen's-Bench*, &c. a third whereof shall go to charitable Uses.

Every person above sixteen, being a Popish Recusant convicted of absence from the Church, shall within forty days after, if at liberty; within twenty, if restrained, repair to the place of his abode, and not remove five miles thence, on pain to lose his Goods, &c. and his Lands for Life. If he hath not a bidding place, to the place of his Birth, or where his Parents dwell, in which place he shall give his Name to the Minister, Constable, &c. to be entred in a Book which shall be kept in the Parish, and this shall be certified to the Sessions, and there inrolled, 35 *Eliz. c. 2.*

A Popish Recusant Convict (not having twenty Mark Feehold *per annum*, or 40 *l.* in Goods, (nor a Feme Covert) which shall not repair to such place, &c. or shall not remove five miles thence and not conform in three months, *ut supra.* Two Justices or a Coroner may require him to abjure, which shall be entred, &c. *ut supra. ibid.*

§ 8, 9.

All fraudulent Conveyances made by such persons for their own maintenance, or with power of Revocation, shall be void, 29 *Eliz. c. 6.*

Convictions of Recusancy shall be in the *Queen's-Bench*, *Wiltz* or Gaol-delivery, and not elsewhere, from whence they shall be estreated into the *Exchequer* the next Term, 2 *Eliz. cap. 6.* But see *Hob. 204.* That Debt or Information lies in the Common Pleas. Indictments in the *Queen's-Bench.* The persons convicted shall pay their forfeitures into the *Exchequer* twice a Year, without further Conviction, or else Process shall issue to seize their Goods, and three parts of their Lands, 39 *Eliz. 6.*

§ 3.

No Indictment shall be quashed or reversed for lack of form, or for other matter, save only by Traverse for not coming to Church, but if he conform *ut supra*, may discharge the Indictment, &c. 29 *Eliz. c. 6.* 3 *Jac. c. 4.*

§ 16.

Upon such Indictment Proclamation shall be made that the Offender render himself to the Sheriff before the next Assizes, else he shall stand convicted as upon Trial 3 Jac. c. 4. §. 7.

The Queen may refuse the 20 *l* per *menssem*, and the two parts of the Lands, and of the Goods, &c. An Advowson is without that Clause, Jones Rep. 20.

A Popish Recusant that conforms shall within a year after take the Sacrament, and so every Year, or forfeit 20 *l*. for the first, 40 *l*. for the second, and 60 *l*. for the third, and every Year after till he receive, 3 Jac. cap. §. 3.

Any Offender against 23 Eliz. c. 1. (except for Treason or Misprision) which shall conform, &c. before Judgment, shall be discharged upon his Submission, from the first Offence, &c.

If any person shall relieve, keep, &c. in his House any Servant, Sojourner, &c. who shall forbear Divine Service for a month together, &c. shall forfeit 10 *l*. per *menssem*. But he may keep his Father, Mother, &c. A Justice of Peace in their Sessions may determine all Offences against this Statute, except Treason. Wives shall not forfeit for not taking the Sacrament, nor their Husbands for them, 3 Jac. c. 4. §. 40.

Justices of Oyer and Terminer and of Assize must determine the Offences by 1 Eliz. c. 2. but Justices of Peace have likewise the same power given them by 23 Eliz. cap. 1. upon Indictments at their Sessions; so likewise touching the Offences by 1, 5 and 13 Eliz. except Treason and Misprision.

All Forfeitures shall be divided, one third to the Queen for her self, another to her for the Poor, and a third to the Prosecutor in Court of Record, &c. 23 Eliz. c. §. 11.

The Sessions must likewise enquire of Offences against 5 Eliz. c. 1. or forfeit for each of them 100 *l*. 5 Eliz. c. 1. §.

Any two Justices, *Quorum unus*, out of the Sessions may require any person of eighteen years old indicted of Recusancy, for not coming to Church or to the Communion, or travelling the Country, &c. not being a Peer, &c. to take the Oath of Allegiance, and if he refuse the same, or to answer upon Oath, they may commit him without Bail till the next Assizes or Quarter Session 3 Jac. c. 4. §. 13.

Any two Justices may require any persons under the degree of a Baron to take the said Oath or commit them.

7 *ac. c. 6. §. 26.* by which Statute likewise if such person shall be presented for not coming to Church, upon complaint to one Justice, he may require the party to take the said Oath, or commit him without Bail till the Assizes.

If a Feme Covert (not a Baroness) convicted of Recusancy shall not within three months repair to Church, &c. Two Justices, *Quorum unus*, may commit her till she conform, or her Husband pay 10 *l.* a month, &c. 7 *Jac. 1. c. 2. §. 28.*

Churchwardens, &c. shall once every Year present the monthly absence from Church of Popish Recusants, the Names of their Children, &c. and other their Servants, at the Quarter Sessions, or lose 20 *s.* &c. 3 *Jac. c. 4. §. 4.* Every person going beyond Sea to serve any Foreign Prince, &c. and not taking the Oath before the Custom-House, shall be adjudged a Felon. A Gentleman, &c. which hath been a Captain, &c. going out of the Realm to such Service, shall be bound in 20 *l.* not to be reconciled, &c. or be a Felon, which Bond and Oath shall be ratified, &c. or forfeit, &c. 3 *Jac. c. 4. §. 18, 19.* The Breach of Treason in reconciling, &c. shall be proceeded upon in the *Queens-Bench*, Assizes, &c. *Ibid. §. 25.* See the Penalties of conveying a Child beyond Sea into any College, &c. or to send them any Money, &c. 1 *Jac. c. 4. §. 3. ac. c. 5. 3 Car. c. 2. 11 & 12 W. 3. c. 4. p. 192.*

All Armour, Gun-powder, &c. in the House of any Popish Recusant Convict, or elsewhere, by his disposition, shall be taken away by the Warrant of four Justices at the Quarter Sessions (other than Arms necessary to be kept) 3 *Jac. c. 5. §. 27. 1 W. & M. Sess. 1. c. 15.* And if such Recusant shall refuse to declare to them where their Armour is, or hinder its delivery, such Offender shall be imprisoned without Bail for three months by the Warrant of two Justices, *Ibid.*

No Recusant Convict shall come to the Queen's Court, unless commanded by the Queen, or by Warrant from a Privy Counsellor, on pain of 100 *l.* or be committed: Yet a person hearing Divine Service in his House, and going to Church four times a year, shall incur no penalty, *Ibid. §. 2.*

Two Justices may at any time search the Houses of Recusants Convict, or of such whose Wife is so, for Popish Books, Relicks, &c. which they shall deface, &c. *Ibid. §. 26.*

Recusant in *London*, or within ten Miles of it, be convicted, and not coming to Church, shall give Name to the Lord Mayor, and depart within ten days or forfeit 100*l.* *Ibid.* §. 4.

No Recusant Convict shall practise the Common Civil Law, or Physick, or as an Apothecary, &c. bear any Office, &c. Offender herein to pay 100*l.* *Ibid.* §. 8.

Recusant Convict shall be reputed excommunicated for Non-Conformity, and it may be pleaded in his disability in Actions, &c. 3 *Jac. c. 5.* §. 11.

Recusant Convict married otherwise than according to the Orders of the Church of *England*, shall be disabled to be Tenant by the Curtesie; And a Woman shall lose her Dower, Jointure, &c. 3 *Jac. c. 5.* If a Recusant baptize not his Child at Church, &c. shall forfeit 100*l.* *Ibid.* §. 13, 14.

If a Recusant not excommunicated be not Buried in the Church or Church-yard, the Executor shall forfeit 100*l.* *Ibid.* §. 15.

No Recusant Convict shall present to any Ecclesiastical Living, but the Universities shall present, *Ibid.* §. 16. *W. & M. Sess. 1. c. 26.*

No Recusant Convict shall be Executor, &c. or Guardian to, or have the Custody of any Child, &c. of the next of Kin, &c. 3 *Jac. c. 5.* §. 22, 23.

If any person have any *Agnus Dei*, &c. offered to him, and shall disclose the same to any Justice, such Justice within fourteen days shall discover it to the Privy Council, or incur the danger of a *Præmunire*, 13 *Eliz. cap. 10.* §. 7, 8, 10.

If any person suspected to be a Jesuit, &c. shall refuse to answer the same to any having Authority to examine him, such Examiner may commit him without Bail till he answer, 35 *Eliz. c. 2.* §. 11.

Whosoever first discovers to a Justice of the Peace any Person entertaining any Jesuit, &c. or any Mass, or any present thereat, &c. within three days, by reason whereof any such Offenders shall be convicted, shall have the third part of the Forfeiture, if it exceed not 150*l.* Or if it be above he shall have 50*l.* 3 *Jac. c. 5.*

No person shall bring from beyond the Seas, nor print, sell, or buy any Popish Primers, &c. upon pain of 40*l.* every Book, 3 *Jac. c. 4.* §. 25.

any person be convict of saying Mass he shall forfeit 100 Marks, and be committed for one Year. If any shall willingly hear Mass he shall forfeit 100 Marks, and be imprisoned for a Year, 23 *Eliz. cap. 1. §. 4.*

Recusants confined may be licenced by four Justices with the privity of the Bishop, &c. to travel, &c. 3 *Jac. cap. 5. §. 7.*

in pleading such Licence he must shew that he hath taken the Oath that the Cause of it is true, that it was granted with the Assent of the Bishop or Lieutenant, &c. *Ibid.*

and if the same person be Justice and Lieutenant, shall not serve, *Cro. Jac. 352. Maxfield's Case.*

A Woman being a Recusant Convict (her Husband not being convicted) and which shall not conform a Year before his Death, shall forfeit to the Queen two parts of her Joynture or Dower, and be disenabled to be Executrix or Administratrix to her Husband, 3 *Jac. cap. 5. §. 10.*

Such Members of either House of Parliament, and every Peer of Scotland and Ireland of the age of 21 Yrs, not taking the Oaths, and making, and subscribing the Declaration in the Act of 30 *Car. 2. Sess. 2. cap. 1.* an every Recusant Convict, shall not advisedly come to, or remain in the Presence of the King or Queen, or to the Court or House where they reside, under the Penalties in the said Act mentioned; unless by Licence under the Hands and Seals of six Privy Councillors. See the Statute of 30 *Car. 2. Sess. 2. cap. 1. §. 5. 12.*

by 11 & 12 *W. 3. cap. 4.* Whoever shall apprehend a Popish Bishop, Priest or Jesuit, and Convict him of exercising the Function of a Popish Bishop or Priest, shall receive for every such Conviction 100 *l.* to be paid by the Sheriff of the County within 4 Months.

Every Popish Bishop, Priest or Jesuit, who shall exercise his Function, and every Papist that shall keep School, shall upon Conviction suffer perpetual Imprisonment, *Ibid.*

See after amongst the Presidents, *Tit. Convicticles and Contemners.*

Restitution.

IF one be robbed of 100 l. in Money, and pursue a Felon, and him Attaint, he shall have Restitution of the Mony, *Sauil 20.*

Riots, Routs and unlawful Assemblies

AN unlawful Assembly is, when three or more in one place armed in an unusual manner, or with an intention to commit with violence some unlawful Act. And that such their intention be declared by them either by Words or Overt Acts, *Lamb. 179, 180. D. cap. 97.*

A Rout is when being met together they set forward in order to the Execution of such Design.

A Riot is when they actually put it in Execution.

By the Statutes of 1 *Mar. cap. 12.* and 1 *Eliz. cap. 1.* If above the number of two and under twelve assembled together, shall go about unlawfully to kill any Subject, cast open any Inclosures, or to destroy any Dwelling &c. And shall not depart upon Proclamation made but afterwards attempt to commit the said Offence every of them shall suffer Imprisonment for one Year without Bail; but these Statutes are expired.

What things make a Riot and what not.

If divers Persons are assembled, and it be not known to what end and purpose they are met, this can be a Riot nor Rout, until their unlawful intent therein be known.

If a Master (minding to commit a Riot) shall take with him his ordinary Servants, and some unlawful Act be done by them, this shall be no Riot, because the Master did not make his Servants privy to his design beforehand.

If divers Persons be lawfully assembled, and make an Affray amongst themselves on a sudden, this is no Riot.

If several Persons be gathered together, to put in Execution any part of the Law, or for the Exercise of their Valors, or Tryal of Activity, &c. this is no unlawful Assembly.

To meet together and play at any Game prohibited by Statute only, is no Riot.

If a great number of People detain the possession of a House with force, this is a Riot.

Any person in a peaceable manner may assemble a convenient number of People to abate a Nuisance.

If a Man erects a Ware cross a River over the which the People have a common Passage with Boats, &c. If any person shall come with convenient Instruments, as Sables and Crows of Iron, &c. to remove this Ware, it is no Riot, no, though they cut a Trench in the Land of such person as erected the Ware, thereby to remove the Nuisance: But they must be sure to avoid any threatening Words or Breach of the Peace, *Dalt.*

No Person may go in Company to the Church, Fair or Market, &c. with any unusual Weapon to the Terror of the People, though he hath no intent to fight, &c. for this will be a Riot by the manner of going so, *2 d. 3. cap. 3.* But to wear privy Coats of Mail, Shirts of Mail &c. with intent to defend themselves against any Adversary seems not to be punishable, for that nothing is done in *terrorem populi*, *Crompt. 64. Dalt. 99.*

A Lord of a Copyhold did enter with twenty Persons to cut his Copyholders Corn, because he would not compound with him for his Fine, and this was held to be a Riot in respect of the number and force, though his Entry were lawful. *Ibid.*

Any one Justice alone may use his best endeavour to prevent a Riot or Rout, and also to stay it whilst it is going, *Lamb. 185.* *How Riots shall be suppressed.*

And to this purpose he may imprison the Rioters, or send them to the Good Behaviour; but being committed, one Justice can no otherwise punish it than as a Trespass or against the Peace, or upon the Statute of Northampton, or of Forceable Entries.

One Justice sitting in a Judicial place (as in the Sessions) may arrest Rioters and make Record thereof which shall be conclusive; and out of a place of Judicature may arrest, record and certify the Riot to the Sessions, but it is traversable, *Dalt. cap. 55. Lamb. 185.*

If a Justice pretending a Riot where in truth none is, Commit a Man, the Party may have Trespass against him, *Lamb. 185.* See *Bro. Jud. 2. 10. contra.* and *Co. Rep. f. 121. a.*

If the the Statute of 13 H. 4. cap. 7. for suppressing Riots be not duly executed the two next Justices to the place shall forfeit 100 l. apiece, and every other Justice of the County in whom there is any default, shall be punished, *Lamb.* 321. And the Justice which shall first stir the Riot, for not arresting the Offenders is punishable.

Information against two Justices for not inquiring of a Riot, found against any of them, good, *Stiles* 245.

One Justice (by the first *Assignavimus* in the Commission) may cause to be kept all Statutes made for suppressing of Riots, Force and Violence, *Dalt. cap.* 55.

If any two Justices of the County shall put in Execution, 13 H. 4. cap. 7. that shall excuse the two next Justices; if the two next Justices come (though the Sheriff be absent) and arrest the Rioters, such Justices shall be excused from the said Forfeiture of 100 l. *Lamb.* 322. *Quare*, if the other Justices of the County shall be excused from the said penalty.

Two Justices after the Riot committed (though the Sheriff be present, as it seemeth) ought to enquire of the Riot, and if it be found, to Fine and Imprison the Rioters, *Crompt.* 67. b. But it is held by some, that the Justices cannot Record the Riot upon view, without the Sheriff, and thereupon (without enquiry) Fine and commit, &c. Others are of Opinion to the contrary, because the Statute of 34 Ed. 3. cap. 1. enables two Justices to Imprison and Fine Rioters without enquiry and therefore (say they) they ought by consequence to Record the Riot, See *Lamb.* 313, 314. *Dalt. cap.* 55.

A Fine upon Rioters cannot be less than ten pounds for the Principal, and four Marks apiece for the rest *Stile* 303.

But it is the safer way for the Justices to certify the Record into the *Queen's Bench*, where the Offender shall be fined.

But to wave any farther Debate of the power of Justices alone, we come now to shew you how they must proceed in Conjunction with the Sheriff to execute this Statute of 13 H. 4. cap. 7. and that upon the penalty of 100 l. apiece.

They must go to the place where the Riot shall be if they be able, and take with them (if need be) the power of the County, *viz.* Knights and other Temporal Persons under that degree above the age of fifteen, and able to travel, which such Persons are obliged to per
from

firm upon pain of Imprisonment, and to make Fine and Ransom to the Queen, which Ransom is at least treble so much as the Fine, *Dyer* 232. *See vide Co. Lit.* 127. That Fine and Ransom are all one, *Vide* 2 *H. 5. cap.* 8. § 2.

They must Arrest all Offenders there present, and remove the Force by committing all Rioters, and taking away of their Weapons. All Persons in Company to the Rioters may be likewise arrested, &c. All Persons whom the Justices shall meet coming thence Riotously arrayed, may be likewise arrested, &c. But no Riot can be recorded to be done by them, because not in the view of the Justice. Otherwise it is of those which Escape, for it may be recorded against them, if they cannot be arrested except it be done presently, rather can they be fined, or any Process be awarded against them upon that Record; or the Record it self be put amongst other the Records of the Peace, but sent to the *Queen's Bench*, &c. *Lamb.* 312. *Dalt. cap.* 55.

If after the sight of the Riot, the Rioters Escape, and the Justices and Sheriff having recorded the Riot, one of the Justices, or Sheriff, be put out of Commission or dies, yet shall the same be certified in the *Queen's Bench* by the Survivors.

Otherwise if this shall happen after the Inquiry, and before the Certificate, for then it shall be certified by the *Crierari*, as by *Bro. Rec.* 17, 64. *Lamb.* 320. The Justices likewise may grant their Warrants for such as they see committing the Riot (though they are escaped) and commit them to Gaol till they find Surety for the good Behavior. The like Law if they be departed before the coming of the Justices; or rather in such cases they may proceed against them by inquiry, and fine them, &c. 34 *Ed.* 3. *cap.* 1.

Justices in execution of the Arrest of Rioters, &c. may justify the beating, wounding, nay killing of them which resist; and taking their Weapons, &c. to be appraised and answered to the Queen as forfeited, *Lamb.* 310.

After the Arrest the Justices and Sheriff, &c. shall record in Writing the said Riot, (*scil.* all which they have done against Law) without other Inquiry, which Record shall be a sufficient Conviction; if the Justices do not see the Riot they cannot make a Record, but inquire thereof, *Lamb.* 311.

So if two Justices and the Sheriff, &c. meet for another cause, and a Riot happen before them, they may Record, Arrest and Imprison, &c. and if they Record a Riot, and it appear to be none, yet the parties are concluded, 9 H. 6. f. 60. Bro. Judg. 2. Fitts. f. 17.

The said Justices of Peace (and none other) shall commit such Offenders to the Gaol, there to remain convicted by their View, Testimony and Record, as in case of (Forceable Entry) till they pay a Fine to the Queen. This Commitment ought to be presently, and the County to be aiding to the Sheriff to commit them.

The said Justices (and none other) shall assess Fines; these Fines shall be greater than formerly, the Statute of 2 H. 5. cap. 8. That thereout the Charges of them, and other Officers might be born; the payment whereof shall be made by the Sheriff by Indenture between him and the Justices, Lamb. 312, 557. Such Fines must be assessed severally, 11 Co. 43.

Although the words of the Statute are, that the Justice (which came to see the Riot) shall enquire; yet any other two Justices of that County may do it; and if it be not done within the Month each of them is in danger to lose his 100 l. but yet if it be done afterward the Presentment is good, 13 H. 4. cap. 7.

And if the Justices charge the Jury within one Month and give them one Day to present afterwards, the Statute is fulfilled; Grand Riots are to be enquired of the penalty of an 100 l. within the Month, otherwise it seems of Petty Riots.

At the enquiry though the Sheriff, &c. must be present, yet he is but a Minister to return the Jury; otherwise it is in arresting Rioters and recording them, Lamb. 316.

If the Justices, Sheriff and Jury do assemble within the Month to enquire of a Riot, and (the parties being agreed) no one will give any Evidence for the Queen, yet the Justice must proceed *ex officio*, for it may be that some of the Jury might know of the Riot, Dalt. c. 55.

Besides, Proclamation should be made, That if any will give Evidence for the Queen, &c. they may come in, &c. And also the Justices (for want of Evidence) may bind such Persons to the Good Behaviour, as first made complaint to them of the Riot, and were the cause of their meeting, *Ibid.*

After Enquiry, and the Riot found the Justices must make out Process (*sc. Venire facias*) against the Offenders, under their own *Teste* to bring them in, and then Fine and Imprison them for the same, and when they pay or give Sureties for the same by Recognizance, then they may release them; otherwise they must take their Traverse, (if the Riot were not within their view) and if they appear Not guilty, then dismiss them, or else send the Indictment and traverse to the next Quarter Sessions or *Queen's Bench* to be determined, *Lamb.* 117.

By the Statute of 2 H. 5. cap. 8. The Queen is to bear the Charges of the Justices which shall execute the Statute of Riots, *sc.* for their Diet, Sheriffs Fees, the Jury, &c. which may be paid by the Justices out of the Fines of the Riot. The Clerk of the Peace may be likewise paid thereout, or else he may take of every Offender twelve pence, as the usage is. The Justices may be paid by the Sheriff by Indenture between them, which shall be allowed in the *Exchequer*.

If the truth of a Riot cannot be found (being hindered by the perverseness of the Jurors, or Imbracery of others) then the Justices, &c. must certifie to the *Queen's Bench* so much of the Fact, and the Names of the Offenders and Imbracers, with the time, place and other circumstances, and impediments which shall come to their knowledge, 19 H. 7. cap. 13. *Lamb.* 318. And this Certificate must comprehend certainty, &c. because 'tis in the nature of an Indictment, and may be traversed.

If the two next Justices go to see the Riot, any other two may make the inquiry, and any two of those Justices may certifie it within the Month.

If there be twenty parties to a Riot, and the Jury find but ten of them Guilty, yet the Justices may certifie that the whole twenty committed it, and this shall stand good; also if any thing material be omitted in the Inquisition it shall be supplied by this Certificate.

Upon the default of the two next Justices, Sheriffs, &c. of this Statute, the party grieved may have a Commission out of *Chancery* to enquire as well of the Riot as of such Defaulters, 2 H. 5. cap. 8.

If the Riot be notorious, the Lord Chancellor may issue out a *Capias* to the Sheriff for apprehending the Offenders; and if need be a Writ of Proclamation to render

render themselves into the *Queen's Church* at certain day, &c. *Dalt. cap. 55.*

Note, That for suffering of Riots in Corporations, the Franchises may be seized, or the Corporation fined, as in *Dr. Lamb's Case, Pasch. 8 Car. Cro Car. 252.*

Robbery.

RObbery is the Felonious taking of any thing from the Person of another, or in his presence against his will, either in the Highways or elsewhere, and thereby putting him in fear, *Dyer 224. Stamf. 27.* which distinguishes a Robber from a Cutpurse.

But the bidding of one to stand and yield his Money is no Robbery, for there was but an intent, and no act done in pursuance of it, *9 Ed. 4. f. 28. Stamf. 27. b. Hales P. C. 71.*

One with his Sword drawn bids me deliver my Purse, and after prays me to give him a penny, and I do so accordingly, this seemeth to be Robbery, for the fear he put me in was the cause thereof, *Crom. 34.* So if I flying from a Thief cast my Purse into a Bush, and he takes it up, this is Robbery, for the fear, &c. was the cause of throwing it there, *Crom. 35. Hales P. C. 73.*

If a Thief bids me deliver my Purse, which I do, and he finding but 2 s. in it, gives it me back again, this is Robbery though no force be used, *Crom. 34.*

A Thief compels me to swear that I will bring him a Sum of Money to such a place at another time, or else he will kill me, and I bring the Money, &c. this is Robbery, *44 Ed. 3. 14. 4 H. 4. 3. Stamf. 27.*

A Thief takes away my Goods in my presence, or drives my Cattle out of my Field, I looking upon him, this is Robbery if I be put in fear thereby, though no Assault be made, *Stamf. 27. Lam. 265.*

Three Robbers take Persons in one Hundred and rob them in another, the Action shall be in the first, *1 Siderf. 367.*

If any thing be taken from a Person on the Highway without putting him in fear, this no Robbery, *Dyer 224.*

Seifure of Goods in the day, and the Robbery in the night, is within the Statute to recover against the Hundred, 1 *Sid.* 263.

If two Thieves attempt to rob me, and I fly, and one of them pursue me, and his Companion in the mean while rob another that is passing, this is Robbery in both, tho' it was done out of the sight of the other, *Pudsey's Case*, 28 *Eliz. Crop.* 84. *Dalt. c.* 111.

Cutting of a Purse, picking of a Pocket secretly and privily, is no Robbery.

The party robbed to intitle him to an Action against the Hundred, must observe these things following. (1.) He must give notice (with convenient speed) to the next Village, &c. or to some person inhabiting near the place where the Robbery was committed. (2.) He must commence his Suit after forty days, and within one year of the Robbery done. (3.) He must be examined upon Oath before a Justice of the Peace whether he knew any of the Robbers. 27 *Eliz. c.* 13.

Note, If the Servant or Carrier &c. be robbed, either of them must make the Oath, &c. before the Justice, and not the Owners of the Goods; and if the Servant or Carrier refuse so to do, the Owner hath no remedy.

Note, Also a Man may be sworn in his own cause, viz. how much Money his Servant had.

If the party sworn know any of the Robbers, the Justice ought to bind him to prosecute by Indictment or otherwise, 27 *Eliz. c.* 13. §. 11.

If the Robbers be not apprehended within forty days after notice, the Hundred is chargeable; if the Robbery be done in the Divisions of two Hundreds, both are to answer the Damages, and so are also the Franchises within them.

If the party robbed hath his Recovery and Execution against one or few persons of the Hundred, upon complaint two Justices (*Quorum unus*) inhabiting in or near the said Hundred may assess a Tax proportionably on every Town, Parish or Hamlet, as well of the said Hundred, as also of Liberties within the same, towards the relief of the parties charged, which Sum so taxed, the Constables of every Town, &c. within their respective Limits shall proportionably assess upon every Inhabitant within the same. If any Inhabitant refuse to pay, &c. the Constable may distrain and sell the Distress, and must deliver the Money to one of the said Justices within

within ten days after Collection, 27 *Eliz. cap. 13. §. 4, 5, 6, 7.*

The Inhabitants of another Hundred (tho' in another County) wherein was default of fresh Sale after Huy and Cry made, shall answer one moiety of the Sum of Money and Damages recovered against the Hundred where the Robbery was done, and such moieties shall be recovered in the Name of the Clerk of the Peace (without naming his Christian or Sirname) where such Robbery and Recovery was, and his death or removal shall not abate the Suit, and if it be recovered, &c. against one or few, &c. the same course shall be taken as aforesaid towards the relief of the person charged. *Ibid. §. 2.*

A Robbery upon a Man in his House, whether by day or by night, shall not charge the Hundred, *Co. 7. Rep. f. 6.*

The Hundred is not answerable for a Robbery done in the night, but if it be by day-light, whether before or after Sun-setting and before Sun-rising, the Hundred is liable, *Ibid. 2 Cro. 106.*

The Punishment of this Offence is death without Clergy. The party robbed hath his Action against the Hundred.

The apprehending of one Robber discharges the Hundred, though the rest escape; but a pursuit alone does not, 27 *Eliz. c. 13. §. 8.*

If the party robbed apprehend any of the Thieves, this shall excuse the Hundred, *Dalt. c. 57.*

But if on the Lords-day, the Hundred shall not be charged, but the Inhabitants shall make pursuit according to 27 *Eliz. on Forfeiture of as much Money as was lost, 29 Car. 2. c. 7. §. 5.*

Such as apprehend and prosecute till Conviction any one that committed a Robbery in any Highway, Passage, Field, or open place, shall have within one month after such Conviction, of the Sheriff of the County where the Robbery was 40 *l.* upon the Certificate of the Judge or Justices before whom such Felon was convicted, *Stat. 4 & 5 W. & M. cap. 8.*

And if any one be killed in taking such Robber, he that has right to his Administration shall have 40 *l.* and he that takes, prosecutes, and convicts such Robber, shall have his Horse, Furniture and Arms, Money and other Goods that shall be taken then with the said Robber, unless they were before feloniously taken from other persons, *Ibid.*

Rogues and Vagabonds, &c.

ANY one Justice may cause all Rogues and Vagabonds which are taken begging, &c. to be stript naked upwards, and whipt till they bleed, after which he shall make a Testimonial under his Hand and Seal, testifying the same, &c. with the place whither they are to go, and the time, &c. 39 *Eliz. cap. 4.* continued by *Car. 1. c. 4.* and 16 *Car. 1. c. 4.*

All Rogues, &c. shall be forthwith conveyed from Parish to Parish (by the Constable, &c.) to the place of their Birth or last Dwelling, or the place from whence they last came, there to be set to hard Labour, or to the House of Correction till such time as they be placed in Service for a year, or if not able, in some Alms-House in the County, *Ibid.* and 2 *Bulstr. 357.*

Where a Rogue doth confess the place of his Birth to be D. whither he is sent, and it appear afterward to be S. he shall be removed thither; If he will not name any place, he shall be sent to the place where he was last suffered to pass, and punished, and his Children to be maintained by his Labour. *Dalt. c. 56.*

A Vagabond. *Vagabundus qui errat per Mandum, sine re, sine spe, sine fide, sine sede*, is one which hath no settled Habitation, but liveth idly and loitring.

A Rogue, *Qui ostiatim rogat*, is an idle Beggar wandering from place to place without a lawful Pass-port. *Lamb. 427.*

A Beggar, *Mendicus quasi manu dicens. Egenus silentio manum extendit.*

The two first of these seem to be all one, and they are Rogues, &c. though they beg nothing. *Ibid.*

A person which goes from place to place selling small Wares, though he have an Habitation, is punishable by 39 *Eliz.* and if he wander, though he be not taken wandering, he is an Offender, 2 *Rolls Rep. 172.*

More particularly the persons here under-mentioned being above seven years old, are to be adjudged and punished as Rogues.

1. All persons going about begging, not licenced thereunto according to Law.

2. All Fortune-tellers, Juglers using any crafty Science or unlawful Games.

3. All Proctors, Patent-gatherers, or Collectors for Gaols, Prisons or Hospitals wandering abroad.

4. Fencers, Barewards, Common Players of Interludes, and Minstrels wandering abroad, 1 Jac. c. 7.

5. Pedlers, Petty-Chapmen, Tinkers and Glass-men, if unknown or without a Testimonial, *Ibid.*

6. All Wanderers and Common Labourers refusing to work for reasonable Wages, and having nothing to maintain them wandering without their own Parishes.

7. Poor persons licenced to beg in their own Parishes, if they either beg without the same, or otherwise than they are appointed, or by the Highways, though in the same Parish, 39 Eliz. c. 3. Lamb. 426, 427. And yet these persons must not be sent to the place of their Birth, or out of Town, except to the House of Correction. *Quare*, Of Beggars without Licence.

8. Persons pretending themselves to be Egyptians, or wandering in their Habit, not being Felons.

9. Soldiers or Mariners, who shall beg (not licenced) or which shall counterfeit any Certificate, &c. and not being Felons, 43 Eliz. c. 3. §. 13.

10. Impotent, going to the *Bark*, if they beg though licenced, or not returning though licenced, 39 Eliz. c. 4. §. 7.

11. A Rogue which hath been Whipt, if after he perform not his Testimonial, or if he Travel by general Pass-port not directed from Parish to Parish, or without a Guide.

12. Servants departing out of Service from one Parish to another without a Testimonial, or with a forged one, 5 Eliz. c. 4. §. 11.

13. Persons infected with the Plague, &c. going abroad contrary to the Commandment of an Officer, 1 Jac. cap. 31. §. 7.

14. Such as shall run away, leaving their Children to the Parish, or threaten to do the same, being able to labour, 7 Jac. c. 4. §. 8. but they must be dealt withal by two Justices, 1 Jac. c. 7. Dalt. c. 56.

Children under seven Years old are not Rogues within the Statute, and must be sent to their Parents, not to the place where they were born, 39 Eliz. cap. 4. §. 15. Dalt. c. 56.

The Wife being a Vagrant must be sent to her Husband, though a Servant. *Ibid.*

In all these cases where Vagabonds are sent, by Testimonial of a Justice, &c. he may not licence them to beg
by

by the way ; but where a Licence is given to the Ship-racked Soldiers or Mariners, they may ask and receive relief, 39 Eliz. c. 4. §. 14.

Incorrigible Rogues are (according to the Stat. 1 Jac. Inc. 7. §. 4.) such as are either dangerous to the inferior Port of people, or such as will not be reformed of their roguish kind of life. Of which sort are,

Such as having been punished and sent to the place of their Birth, shall fall to their roguish kind of life again ; also one that affirms that he was born in such a Town or means whereof he is sent thither, when in truth he was born at another place. The same Law if he miss the name of the place of his last abode, and be sent thither. Stat. c. 56.

In a late Case of one *William Fuller* ; On the 5th of February, 1701. the House of Commons in Parliament resolved, *Nemine Contradicente*, ' That *William Fuller*, taking no warning by the just Censure received from the House of Commons the 24th of February, 1691. and the Punishment he suffer'd by Judgment of Law, has again repeated his evil Practices, by several false Accusations in divers Scandalous Phamphlets by him Published : And having undertaken to produce *Thomas Jones Esq;* and *John Englesfeild Gent.* to make good the said Accusations, and not performing the same, this House doth declare the said *William Fuller* to be a Cheat, a false Accuser, and an Incorrigible Rogue.

All persons which shall hinder the Execution of the Statute of 39 Eliz. c. 4. concerning the punishment of, &c. Rogues, shall forfeit for every such Offence 5 l. to be levied by Distress, &c. and be bound to the Good Behaviour by two Justices, 39 Eliz. c. 4. §. 5.

Within which Statutes are these Offenders and Offences following :

1. To send Rogues by a general Pass-port, or not to convey them from Parish to Parish.

2. If a Constable, &c. shall not receive a Rogue conveyed to him according to the Statute, he shall forfeit 5 l. &c.

3. If a Constable which conveys a Rogue shall not deliver him to the next Constable.

4. If the Town, &c. to which such Rogue shall be sent, do not receive him, Stat. c. 56.

Note, He is to be delivered to the Churchwardens or Overseers, and if they refuse him, shall forfeit 5 l.

Any two Justices by their Warrant may levy by sale of the Offenders Goods, all Fines appointed by 39 *Eliz. c. 1* & 1 *Jac. c. 7.* by Conviction of any person for any Offence here-under named upon confession or proof of two Witnesses, 39 *Eliz. c. 4. §. 11.*

1. The Minister which shall not keep a Register-Book and enter therein the Testimonials, &c. every default 5 s.

2. The Constable which shall neglect to apprehend and punish and convey Rogues found in his Parish, every default 10 s.

3. Every Constable which shall not punish and convey Rogues brought to him from a Neighbour Parish, every Offence 20 s.

4. Every person shall apprehend such Rogues as he shall find begging at his Door, and convey them to the Constable, every default 10 s. 1 *Jac. c. 7. §. 6.*

5. Every person which shall bring, &c. any Rogue &c. out of Ireland, or the Isle of Man, shall forfeit for every person so brought 20 s. 39 *Eliz. c. 4. §. 6.* which Fines and Forfeitures are to be employed (at the discretion of two Justices) to the maintenance of the House of Correction, or relief of the Poor. *Ibid. §. 11.*

These Rules are observable upon the Statute made against Rogues.

1. No Pass is to be allowed for these wandring People and such of them as have any, are yet to be punished Rogues, *Dalt. c. 56.*

2. If any Alehouse-keeper, or other person, shall lodge a Rogue, it's a relieving him contrary to the Statute 1 *Jac. c. 7.* and is a forfeiture of 10 s. *Ibid.*

3. Giving Money by a Constable to a Rogue is a relieving him within this Statute, and is a forfeiture of 10 s. *Ibid.*

The most part of the Justices of Peace, within the Divisions, ought to meet twice every year for the execution of the Statute of 7 *Jac. c. 4.* against Rogues, & and four or five days before they meet, they ought to send their Warrants to all Constables within their Divisions to make privy search for all Rogues and idle Persons, and to bring them before them to be punished, or to send them to the House of Correction, &c. *Ibid. 21 Jac. c. 28.*

At the same Meeting all the said Constables shall give account (upon Oath) in Writing, and under the Hand of the Minister of the Parish, what Rogues they have apprehended and punished, and conveyed to the House of correction. 7 *Jas. c. 4. §. 5.*

The Justices at such Meeting may fine any Constable for his neglect in this Service, so as it be not above 40 s.

Any Justice of Peace may reward any person for apprehending such Rogues as he shall bring before him, viz. by granting his Warrant to any Constable of a Parish through which such Rogue passed unapprehended, for payment of 2 s. for every Rogue so brought, &c. 13 *Car. 2. c. 12. §. 16.* For the rewarding of such persons who apprehend Rogues or Beggars in the Confiners of a county. See the said Stat. §. 17.

By the *Stat. 11 & 12 W. 3. c. 18.* It was Enacted, That here any Vagabond, &c. shall be brought to any Constable or other Officer with a Pass, to be relieved or conveyed, such Vagabond, &c. the said Officer shall have him to the next Justice of Peace, who shall carefully examine him, and, as the case requires, either send him to the House of Correction, or to such Town of the next county as he sees most proper, giving the said Constable or Officer a Certificate of the said person so to be punished or convey'd, with the manner how, and when, and whence he came, &c.

The said Justice shall tax the Constables allowance on the back of such Certificate, which shall be paid out of the Gaol and Marshalsea-money, &c.

Constables neglecting their Duty, shall forfeit 20 s. one fourth part to the Informer, the other three to the Poor.

This Act being only Temporary, and expiring, the next Session of Parliament after 24th of June, 1703. was continued by 1 *Ann. Sess. 2. c. 13.* for three years after the expiration, and to the end of the next Session of Parliament after that. By which last mentioned Act it is further Enacted, That the Act of 11 & 12 W. 3. c. 18. shall extend to all Vagrants whatsoever, whether with Passes or without. And that the Justices at Easter Sessions, during the continuance, shall ascertain the Rates to be allowed for the Passing such Vagrants. &c. The High-Constable shall not pay the said Rate to the Petty-Constable, unless he produce a Receipt from a Constable of the adjacent County, of having received such Vagrant.

Sabbath,

Sabbath, or Sunday.

NO Carrier, Waggoner, &c. shall by themselves or any other Travel upon the Sunday, or forfeit 20 s. for every Offence, 3 *Car. 1. c. 1.*

This Statute gives the forfeiture but of one 20 s. for one Sabbath-day, although the driving be through many Parishes, and that Parish where the Distress is taken shall have the benefit of it. *Dalt. c. 59.*

If any Butcher or other for him, by his consent, shall kill or sell any Victuals upon the Sunday, he shall forfeit 6 s. 8 d. 3 *Car. 1. c. 1.*

Any one Justice or Mayor, &c. upon his own view of any the said Offences, or on proof by two Witnesses or Confession, may make his Warrant to any Constable &c. to levy the said forfeitures by Distress, &c. or the same may be sued for in the Sessions, or in Court of Record in any City, &c.

Also these forfeitures shall go to the Poor of the Parish but any Justice, &c. out of the Forfeitures may reward the Informer or Prosecutor, not exceeding the third part of the penalty. *Ibid.*

No person shall be impeached after six months, *Ibid.*

There shall be no unlawful Exercises, &c. used upon the Sunday, 1 *Car. 1. c. 1.*

There shall be no Fairs, or buying or selling upon the Sunday, 27 *H. 6. c. 5.*

If any Shoe-maker shall go with intent to sell any Boots, Shoes, &c. on the Sunday, he shall forfeit such Goods, and 3 s. 4 d. for every pair of Shoes, 1 *Jac. c. 2. §. 28.*

If any person of the age of fourteen years shall on the Lord's day, or any part thereof, do any worldly Labour, &c. except works of Necessity and Charity, he shall forfeit 5 s. for every Offence, 29 *Car. 2. c. 7.*

No Person shall cry, shew forth, or put to sale any Wares, Fruit, Goods, &c. except Milk, &c. before nine in the Morning, or after four in the Afternoon, on pain to forfeit the same. *Ibid. §. 3.*

No Drover, Horse-Courser, Waggoner, Butcher, Higler or any their Servants, shall Travel, or come to their Inns on the Lords-day, or forfeit 20 s. every Offence *Ibid. §. 2. §. 2.*

No Person shall use, or travel upon the Lord's Day
in any Boat, Wherry, Lighter or Barge, except al-
lowed by one Justice of the Peace so to do, or forfeit
5 for every Offence, *Ibid.*

The Conviction must be before any Justice of the
County, &c. or Chief Officer by View, Confession or
Proof by one Witness; who shall give Warrant to the
Constables, &c. to seize and sell the Goods shewed, &c.
and to levy the Forfeiture by distress, or for want there-
of put the party into the Stocks for two hours, *Ibid.*

The Justices, &c. may reward the Informer out of
the Forfeitures, not exceeding one third part, *Ibid.*

This Act extends not to dressing of Meat in Inns,
Cooks-shops or Victualling-houses, *Ibid.* §. 3.

Every Person to be impeached hereupon, must be
presented within ten Days after the Offence, *Ibid.* §. 4.

If any Person travelling on the Sunday be robbed, the
Hundred shall not be chargeable to him, but in default
of fresh Suit, they shall be chargeable to the Queen for
as much as might have been recovered against them,
Ibid. §. 5.

If any Person on the Sunday serve or execute, or
cause, &c. any Writ, Process, Warrant, Order, Judg-
ment, &c. (except in case of Treason, Felony or breach
of the Peace) such Service shall be void, and the Party
liable to answer Damages, as if no Writ, &c. had ever
been made, *Ibid.* §. 6.

Commissioners for regulating and licencing of Hack-
ney Coaches, may appoint 175 of those allowed in
London, to Ply, Stand and drive on the Lord's Day with-
in the Bills of Mortality, so as the whole number of
75 may be employed successively. Others not so ap-
pointed, shall forfeit 5 *l.* if they Ply, Stand or Drive on
the Lord's Day, 5 & 6 *W. & M. Sess. 2. cap. 16.*

And by another Statute of 11 & 12 *W. 3. cap. 21.*
Fifty Watermen are allowed to Ply on every Lord's
Day, between *Faux-Hall* and *Lime-House*, for carrying
Flengers cross the River of *Thames* at a penny each.
Also the Watermen of *St. Margarets Westminster*, are al-
lowed by the same Statute to Ply cross the *Thames* from
Westminster Bridge to *Standgate*, and from the *Horse Ferry*
at *Lambeth Bridge*, on the Lord's Day, the Moneys earn-
ed thereby being applied to the Poor decayed Water-
men and their Widows, of the said Parish, for which,
the Watermen so working shall account before any two
Justices of the said Parish. See the Statute p. 339 & 341.

Sacrament.

THE Justices (*Quorum unus*) out of Sessions, may take Information by the Oath of two Witnesses against such as shall deprave or speak irreverently of the Sacrament, of the Body and Blood of our Saviour Jesus Christ, 1 *Ed. 6. cap. 1.* and may bind the Accusers and Witnesses by Recognizances in 5 *l.* apiece to give Evidence; such Persons as shall be found guilty, shall suffer Imprisonment and make Fine and Ransom, *Ibid.*

The Offender must be presented or informed again within three Moths after the Offence, *Ibid.*

The Justices may make Process by two *Capias's* and *Capias utlagatum* into any County, and three Justices may Bail the Offender, *Ibid. vide Lamb. 352.*

Salt. Vide Weights and Measures.

Scavengers.

STAT. 2 *W. & M. Sess. 2. cap. 8.* From the fifteenth Day of December 1690. all Persons within the Parishes within the Weekly Bills of Mortality in *Middlesex and Westminster*, and the Liberties thereof, and in *Southwark* or in any Street, &c. comprized in the said Weekly Bills, and in *Kensington*, shall on every Wednesday and Saturday sweep and cleanse all the Streets, &c. that Dirt may be ready for the Scavenger, on pain to forfeit 3 *s.* and 4 *d.* for every neglect; and none shall lay or suffer to be laid any Sea-Coal-Ashes, Dust, Dirt, &c. in any open Street, Lane or Alley, before their Houses, or any publick Places, on the penalty of 5 *s.* and none shall lay any Ashes, Dirt or Soil before the Houses or Walls of any Persons Inhabitants of the City Parishes or Places aforesaid, or before any Church Church-Yard-Wall, or any of their Majesties Palaces or Places, or shall throw, or cause to be thrown in any Commonshewer or Highway within the Parishes and Places aforesaid, or any Private Vault of any of the said Inhabitants, any noisome thing whatsoever, but shall keep the same in their respective Houses, Yards

Backsides, till the Scavenger or other Officer come to take them away, on pain to forfeit 20 s. for every such Offence.

The respective Churchwardens, and the House-keepers, and other Keepers of *White-hall*, *Somerset-house*, *St. James's House*, and *St. James's Park*, and the *Guard-houses* and *Stables*, &c. and the Ushers, Porters or Keepers of Courts of Justice, and other Publick Places, shall suffer the like Penalties for Offences or Neglects done or suffered before any such places.

None shall Hoop, Wash or Cleanse any Vessels in any the said Streets, Lanes or open Passages, nor shall set any Dung, Soil, Rubbish or empty Coaches to make or mend, or rough Timber or Stones to be sawn or wrought, on the penalty of 20 s. for every Offence.

The Rakers, Scavengers, &c. shall every Day in the Week, except Sundays and Holidays, bring Carts, and by a Bell, or otherwise, give notice of their coming and carrying away the Dirt, &c. daily on pain to forfeit 40 s. for every Offence or Neglect.

Open Streets, Lanes and Allies now paved, shall be kept so at the Charge of the Inhabitants; and where Houses are unoccupied at the Charge of the Owners, that is to say, Every Householder or Owner to amend the Streets, &c. before his own House, &c. on pain to forfeit 20 s. for every Perch or Rod, for every default, and 20 s. a Week for every Week after till the same be amended.

One or more Justices of the Peace may view and inspect New Ways made, or to be made, and if they find them fit to be paved, shall certify the same to the next General Quarter Sessions, where the Justices of Peace shall take such Order for paving them as they shall think fit, and Owners and Inhabitants of Houses now built, or hereafter to be built, adjoining to any new Streets or Ways adjudged to be paved or amended, pave with Stone or Gravel, or otherwise amend the Ground before their Houses and Buildings to the middle of the Way, and in default thereof shall forfeit 40 s. for every Perch not paved or amended, and the like Sum for every Week till it be paved, &c. and when paved, the like Sum as those that shall not pave or repair open Streets, &c. by virtue of this Act.

Such ancient Streets, Lanes and Allies as by Custom or Order have been repaired in any other order or manner,

manner, shall hereafter be paved and maintained, as heretofore hath been used.

Within the Parishes of *St. Anne* and *St. James*, within the Liberty of *Westminster*, Scavengers shall be chosen as by the said Act is directed, and the Assessments for Scavengers, and such like Officers, shall be assessed and rated according to the Custom of the said City, where it is not otherwise provided by the said Acts; and the Receivers of such Monies to be accountable as by the said Acts, or otherwise by Law new Houses, now or hereafter to be built within the said Limits and Parishes shall pay proportionable with others; and in all other Places and Parishes aforesaid, upon every *Munday* or *Tuesday* in *Easter Week* the Constables, Churchwardens, Overseers of the Poor, and Surveyors of the Highways calling such Parishioners as are usually present at choosing Parish-Officers, shall appoint two Tradesmen of their Parish to be Scavengers for the next Year, and till others be chosen, who within seven Days after their Election, and notice thereof, shall take the Office upon them, on pain to forfeit 10 *l.* for every refusal; and in case of refusal, others shall be chosen within seven Days, who shall take upon them the Office under the same penalty, the said penalties to be paid to the Surveyors of the Highways, and employed towards the repairing the same, and to be levied by distress and sale of Goods by Warrant from a Justice of Peace; and for want of a distress or Non-payment within six Days after demand, and notice left at the Offenders House, the Offender to be committed till payment.

Within twenty Days after the Election of the Scavengers, the Constables, Churchwardens, Overseers of the Poor, and Surveyors of the Highways, calling to them the Inhabitants as aforesaid, shall settle a Tax according to the pound rate, for the next Year, which being allowed by two Justices of the Peace, shall be quarterly paid by the Inhabitants upon demand, and in case of refusal shall be levied by distress and sale of Goods, and for want of a distress, by imprisonment till payment, if the Offender be not a Peer.

The Money yearly assessed and collected for cleansing the Streets, shall be yearly accounted for by the Scavengers, to two or more of the next Justices of Peace within 28 Days after the Election of new Scavengers, and what remains in their Hands shall be paid
over

over to their Successors; and two such Justices may commit Scavengers refusing to account, till they make true Account; and pay over, as afore said, what remains in their Hands.

The Scavengers shall have liberty by Order of the Justices at their Petit Sessions, or any two of them, to lodge their Dirt, &c. in such vacant and publick places near the Streets as shall be thought convenient, giving satisfaction to the Owners, and in case of unreasonable demands, the Justices shall moderate the same, and Persons agrieved by any Tax made by virtue of this Act; or by the determination of the Justices, &c. may have recourse to the General Quarter Sessions; whose determinations therein shall be finable.

And whereas there are many Common Highways in the Parishes, which cannot be sufficiently supported without the help of this Act: Be it enacted, That one or more Assesses or Assessments upon the Inhabitants and Occupiers of Lands, &c. and Persons usually ratable to the Poor, shall from time to time be made and allowed by such Persons as the Justices at their Quarter Sessions shall direct, and the Money thereby raised to be employed and accounted for according to their direction, towards the supporting such Highways, such Assessments to be levied by distress and sale of Goods; in case of Non-payment within fourteen Days after demand, rendering the overplus, Charges deducted.

No such Assessments to be made in any one year shall exceed 4 *d.* in the pound of the yearly value of Lands; nor 8 *d.* for every 20 *l.* in Personal Estate.

New Sewers made since the twelfth Year of King Charles II. in any of the said Parishes, shall be subject to the Commissioners of Sewers; and the said Commissioners may direct the making of new Sewers, and alter or take away any Nuisances therein, and any cross Gutters and Channels in any of the Streets and Lanes in the said Parishes.

Housholders within the Weekly Bills of Mortality, whose Houses adjoin to the Street, from *Michaelmas* to *Lady-day*, yearly, shall hang out Candles or Lights from the time that it grows dark, till twelve a Clock at night, on pain to forfeit 2 *s.* for every default, except such as shall agree to make use of Lamps, to be placed at such distances as shall be approved of by two or more Justices of the Peace.

Every Truss of old Hay bought or offered to Sale within the Weekly Bills of Mortality, between the last of *August* and the first of *June*, shall weigh Fifty six pounds at least, and between the first of *June* and the last of *August*, being new Hay of that Summers growth, shall weigh sixty pounds, and being old Hay of any former years growth, shall weigh Fifty six pounds, the Person offering any Hay to be sold of less weight, to forfeit for every Truss 1 s. 6 d.

No persons shall suffer their Waggon, Carts, &c. to stand in any place within the Weekly Bills of Mortality, laden with Hay or Straw to be sold, from *Michaelmas* to *Lady-day* after two a Clock in the Afternoon, or from *Lady-day* to *Michaelmas* after three a Clock, on pain to forfeit 5 s. for every such Offence.

The Justices of Peace in the places aforesaid, within their respective Limits, may upon their own View, Confession of the Party, or proof of one credible Witness upon Oath, convict persons of the said Offences; on Moiety of the Forfeitures to the Poor, and the other half to the Prosecutor; and in case of a Conviction by the view of a Justice of Peace, one half to the relief of the Poor, and the other half, if for a default of Payment, towards the repairing and cleansing the Street to be paid to the Scavenger to be employed to that use, or otherwise to the relief of the Poor as aforesaid; and the said Penalties to be levied by Distress and Sale of Goods, by a Justices Warrant to the Constable, &c. and for want of a Distress, or in case of Complaint within six days after demand, or notice in Writing left at the Offenders House by the Constable, &c. the Offender not being a Peer, shall be committed to the Common Gaol till payment.

The Wheels of Carts, Carriages or Drays within the said places, where the Streets are paved, shall contain six Inches in the Felley, and shall not be wrought about with any Iron-work, nor drawn with above two Horses after they are up the Hills by the Water side. The Owners of Carts, &c. the Wheels whereof shall not be of that breadth, or shod with Iron, or drawn with above two Horses, as aforesaid, shall forfeit 40 s. for every time such Cart, &c. shall be used, for the use and to be levied as aforesaid,

This shall not extend to Country Carriages bringing Goods to the said places, or carrying any Goods less than a Mile beyond the paved Streets.

No persons shall keep Swine within the Houses or Backsides of the paved Streets, where the Houses are contiguous, upon pain of forfeiting the same to the use of the Poor of the Parish. And Churchwardens, Overseers of the Poor, Constables, Beadles, Headboroughs and Tything-men may in the day time by Warrant from the Lord Mayor of London, or any Justice of Peace of the place, search for Swine, and drive them away to sell, the Money to be delivered to the Churchwardens or Overseers of the Poor of the Parish for the use of the Poor.

The cleansing of the Streets, Lanes and Parishes within London, and the Liberties thereof, shall be managed according to the ancient usage of the City.

The Lord Mayor or any Alderman may upon his own knowledge or view in the general Quarter Sessions make Presentment of any such Offence within the City and Liberties thereof; and the Lord Mayor and Justices of the City shall at the same Sessions assess Fines for the same not exceeding 20 s. for every Offence, to be paid to the Chamberlain of London, for the use of the City.

In Actions, &c. commenced for what any person shall do in pursuance of an Act made in the 22 and 23 Years of King Charles II. Entituled, *An Act for the better paving and cleansing the Streets and Sewers in and about the City of London*, or this Act, the Defendant may plead the general Issue, and give the said Act and the special Matter in Evidence. And if the Plaintiff or Prosecutor become Nonsuit, or suffer a Discontinuance, or a Verdict pass against him the Defendant shall recover treble Costs.

The Highways leading from the East-side of Clerkenwell-Green to St. John's Street, shall be paved according to the direction of this Act.

Seamen.

BY the Statute of 2 & 3 Ann. cap. 6. Two Justices of Peace, &c. and the Churchwardens of the Parish, and Overseers of the Poor, with the consent of such Justices of the Peace, may bind and put out any Boy or Boys, of the Age of 10 Years or more, who are chargeable to their respective Parishes, or who shall beg for Alms; to be Apprentices in the Sea Service to any

of her Majesties Subjects, being Masters or Owners of any Ship or Vessel, until such Boys shall attain to the Age of 21 Years; and the Age of such Boys shall be at the time of binding inserted in the Indentures.

The Churchwardens and Overseers shall pay down to the Master to whom the Boy is Bound, the Sum of 50 s. to provide necessary Cloathing and Bedding for such Boy, which shall be allowed to such Churchwardens, &c. in their Accounts.

No such Apprentice shall be Compelled, Impressed or Listed into her Majesty's Service at Sea, till he arrive to the Age of 18 Years.

The Churchwardens, &c. shall send the Indentures to the Collector of the Customs of that Port to which the Master of the Ship to whom such Apprentice shall be bound, doth belong, there to be entred in a Book for that purpose, &c.

All Persons to whom poor Parish Boys are, or shall be bound, according to the Statute of 43 *Eliz.* (*cap.* 2 §. 5.) may with the Consent and Approbation of two Justices of Peace, by Indenture assign, and turn over such poor Boy Apprentice to any such Master of a Ship, as aforesaid, for, and during the remaining time of his Apprenticeship; which Assignments shall be transmitted to the Collector of the Customs, as aforesaid, &c.

All Masters of Ships or Vessels in Sea Service from 30 to 50 Tun, shall be obliged to take one such Apprentice, and one more for the next 50 Tuns, and one more for every 100 Tuns such Ship or Vessel shall exceed the Burden of 100 Tuns; under penalty of 10 s. for refusing.

Every such Apprentice to be conveyed to the Port to which the Master belongs, by the Churchwardens and Overseers of the Parish from which he is bound, The Charges to be in the same manner as is provided in the Act of 11 & 12 *W. 3.* *cap.* 18. concerning Vagrants.

Two or more Justices of Peace dwelling near such Port, &c. are impowered to hear and determine all complaints of hard or ill Usage from the Masters to such Apprentices, &c.

Persons voluntarily binding themselves to any such Masters or Owners of Ships, shall not be prest into the Queen's Service for three Years from the Date of their Indentures.

All lewd and disorderly Men-servants, and Persons adjudged Rogues, Vagabonds, and Sturdy-beggars (not being Felons) by the Act of 39 *Eliz. cap. 4.* shall be taken up and conveyed into the Queen's Service at Sea, in such manner as directed for Vagrants by the forementioned Statute of 11 & 12 *W. 3. cap. 18.*

All Forfeitures by this Act, shall be levied by Warrant of two Justices, by Distress and Sale of Goods, &c.

By the Statute of 4 & 5 *An. cap. 19.* It is Enacted, That all Justices of Peace, and Chief Magistrates in Cities and Boroughs shall from time to time, until the Day of *March 1706*, cause diligent search to be made for all such Seamen and Seafaring Men as withdraw, and conceal themselves, and shall cause all such to be taken up, and delivered over to her Majesty's Service at Sea.

For this purpose two Justices of the Peace, in their respective Counties, and the Mayor, &c. and one other Justice of Peace in Towns Corporate, &c. upon application made by any person authorized by her Majesty, or the Lord Admiral, to receive and conduct such Seamen, shall Issue their Warrants to all, and every High Constables, Petty Constables, &c. to make a General Privy Search, &c. in such Night as shall be specified in the Warrant for the finding, taking and securing such Seamen, and bringing them before the said Justices within five Days at the furthest after, &c. and they with such other Justices of Peace of the same Hundred, Division, &c. as shall be then present, shall examine the Persons so brought before them, and if they find them to be such Seamen, as aforesaid, they shall cause them to be delivered up to the Person appointed to receive and conduct them, &c.

In the making such Search it shall be lawful for the Officers appointed, to enter into any House, Out-house, or Place where they suspect any such Seamen to be concealed, and if entrance be not readily admitted, then to open the Doors to make such Search.

At the of Days, Meeting of the Justices, the High Constables of the respective Hundreds, and all Petty Constables, &c. shall appear, and give an account of the Execution of the Warrants to them directed, and the Justices may examine them upon Oath, and impose a Fine not exceeding 5 *l* for not appearing, neglect,

Connivance, or other Offence in the Premises, to be levied by Distress and Sale, &c. to the use of the Poor of the Parish.

This Act not to extend to the sending to the Sea-Service any Seafaring Man, that hath not been actually imploy'd at Sea since her Majesty's Accession to the Crown.

Seamen shall receive Wages from the time of their taking up or delivery, and if they desert, such desertion shall be Felony, without benefit of Clergy, and all Justices where such Offenders shall be taken have power to commit them to the Common Gaol in order to be tried.

Every Receiver of such Seamen so delivered, shall pay for every Seaman 20 s. as a Reward to the Constable, or other Officer, who discovered and secured him. If more Persons than one shall be concerned in the discovery, then the reward shall be distributed amongst them at the discretion of the Justices. The Constables shall give Receipts for the Money, and the Officers for every Seaman so delivered.

To harbour or conceal any Seaman or Seafaring Man, liable to be taken upon this Act, or hinder the Execution thereof, or entice any Seaman to run away from his Conductor, such Offender for every such Offence shall forfeit 5 l. to the use of the Poor of the Parish where, &c. and all, and every such Offences may be enquired of, heard, and determined by two Neighbouring Justices of Peace, who may cause the said Penalty to be levied by Distress and Sale, &c. and for want of Goods, Imprisonment for three Months.

The several Powers, Authorities and Directions contained in an Act of this Session of Parliament for recruiting her Majesty's Land Forces and Mariners (*Vide Tit Soldiers Stat. 4 & 5 An. c. 10.*) shall, and may be executed, and put in ure by the Justices and Magistrates for supplying her Majesty's Navy with able Bodied Landmen, &c. such Able-bodied Landmen to be delivered to such Conductors, as aforesaid, who shall deliver them Aboard some of her Majesty's Ships, and pay for every such Man so impressed the like Reward as in the said Act is directed.

No Mariner or other Person enter'd in her Majesty's Sea Service, and continuing in pay, shall, during the present War, be arrested, detained in Prison, or taken out

out of the said Service by any Process in any Civil Action, wherein the Debt or Damages shall not appear by *Affidavit* before taking out the Process) to exceed 10 l. Provided that upon Notice given in Writing to such person, and Oath thereof made, if he doth not enter a common Appearance within ten days, the Plaintiff may File such an Appearance, so as to proceed thereupon to Judgment, and have Execution, other than against the Body of the party so entred, as aforesaid.

Justices of Peace, &c. shall at every Quarter Sessions exhibit an Account under their Hands and Seals of the Names of the several persons by them Imprest in pursuance of this Act, with the Names of the Places from whence, and the Officers and Conductors concerned in the delivery, which Accounts shall be kept by the Clerk of the Peace, and true Copies thereof transmitted within twenty days after such Sessions to the Secretary of the Lord High Admiral.

No Masters of Trading Ships shall be obliged to take Parish Children Apprentices, as directed by the Statute 2 An. c. 6. (*vid. supra*) under the Age of thirteen Years, or who shall not appear fitly qualified for that Service as to Health and Strength. And Widows or Executors of such Masters may Assign over such Apprentices to other Masters, who have not their Complement required by the said Act.

No person of the Age of Eighteen Years shall have any Exemption or Protection from Her Majesties Sea Service, who shall have been in any Sea Service before the time they Bound themselves Apprentices, the foresaid Statute, or any other Law to the contrary notwithstanding.

In case such Number of Watermen and Lightermen of the River of *Thames*, which the Lord Admiral, or three Commissioners shall notifie to the Company of Watermen, and by them Summoned, shall not appear within ten days after Summons, before the Rulers of the Watermens Company, to be sent on Board Her Majesties Fleet, such person being duly Convicted before the Lord Mayor and Court of Aldermen of *London*, or two Justices of the said City and two Rulers of the said Company, shall suffer Imprisonment for one month, and be disabled from Rowing or Working upon the *Thames* for the space of two Years.

Prisoners for Debt or Damage on the 16th of *Febr.* 1705. and making Oath before the 1st of *May*, 1706. before three Justices of Peace (i. *Quorum*) of their Insolvency (which Oath see in the Statute.) Or having some Estate, tho' not sufficient, and being willing to deliver it up, and delivering it up accordingly to the use of his Creditors to be equally divided among them, and make Oath before three or more Justices that what he hath delivered is all, &c. Such Prisoner or Prisoners, being Able-bodied Landmen, shall immediately enter themselves into Her Majesty's Service in the Navy, and the said Justices shall make Certificate thereof, and by their Order or Warrant annexed thereunto shall discharge such Prisoner out of Prison, and such Prisoner shall thereby be actually freed from Debts, &c. owing or contracted before the said Discharge.

If the Creditors (after due notice in Writing to the major part of them) refuse or omit to appoint Trustees to receive the Goods, &c. to be delivered up, then the Prisoner himself may appoint two of his Creditors, who are willing to receive the Trust, and surrender his Goods, &c. to them.

The said Justices of Peace are empowered to send their Warrant to the Gaoler or Keeper of such Prisoners as desire to be discharged by this Act, to bring the Prisoner with a Copy of his Cause before them, which the said Gaoler shall obey without any Fee or Demand, other than needful Expence in Travelling, which Expence shall be referr'd to the said Justices of Peace to adjust and appoint.

The said Justices may examine upon Oath the Prisoner or any other person, concerning the Poverty of the Prisoner, or about the Truth of his Surrender, and upon proof of any Fraud may refuse to discharge the Prisoner, &c.

Persons discharged by this Act, and after Arrested, &c. for any Debt or Damage contracted before the said 16th of *Febr.* 1705. shall not be held to Bail, may plead the General Issue, give this Act in Evidence, and recover treble Damages.

Prisoner guilty of Wilful Perjury to gain Advantage by this Act, shall suffer according to the Statute 5 *Eliz.* (cap. 9.)

Three or more Justices of the Peace, (i. *Quorum*) may go to any Prisons within their respective Counties, and examine what Prisoners are there for any Debt not exceeding 60 *l.* in the whole, in principal Money and Damages, to one or more Creditors, and where the said Justices shall find any such Prisoner or Prisoners to decline entering themselves into Her Majesties Service, being able and fit for the same (of which the said Justices are impowered to determine) they may grant their Warrant for sending such Prisoner and Prisoners (being Seamen or not Seamen) on Board the Fleet, and the Goaler shall forthwith deliver such Prisoners to such Officers as are impowered to receive the same.

No person shall receive any Benefit by this Act, unless he continue in the said Service during the War.

No person shall be discharged out of Prison by virtue of this Act, who is really Indebted more than 60 *l.* in principal Money and Damages, or charged with any Debt to Her Majesty, nor shall the same extend to any person in Execution for any Fine, or to discharge any person who hath committed Felony or Robbery, and for which an Action hath been brought to recover Damages for the same.

The Discharge of any Prisoner by virtue of this Act, shall not discharge his Debt or Duty, nor any other person jointly or severally Bound with him, nor any other Security or Securities, but only the person of such Prisoner: And all Actions and Process, and all Judgments against him shall stand good against the Lands, Tenements, Goods and Chattels of such Prisoner, and new Executions may be taken out against the Lands, Tenements, Goods and Chattels. And where no Judgment hath been yet obtained, the Creditor may proceed upon Common Bail, &c.

Sessions.

THE Sessions of the Peace is a Court of Record holden before two or more Justices of the Peace whereof one being of the *Quorum*, for the Execution of the Authority given them by the Commission of the Peace and certain Statutes and Acts of Parliament.

Anciently when the Sessions of the Peace were to be kept was uncertain, and the Justices might appoint it at their discretion; but now it is settled by an Act made 2 H. 5. cap. 4. which ordains that the Sessions of the Peace shall be kept four times in the Year, viz. in the first Week after the Feast of St. Michael; The first Week after the Epiphany, the first Week after the close of Easter, and the first Week after the Translation of St. Thomas the Martyr (i.e. 7 July) the Justices of one Bench and the other, and the Serjeants at Law were exempted by the Statute of 12 R. 2. cap. 10. as also the Statute of 2 H. 5. cap. 4. for not appearing at the Sessions.

By the Statute of 14 H. 6. cap. 4. it is ordained, That the Justices of the Peace in *Middlesex* be discharged of the Penalty of the aforesaid Statutes; Provided they keep their Sessions twice a year, and oftner if need be, for Forceable Entry and Riots; yet notwithstanding it seemeth they may keep their Sessions four times in the Year, and if but twice, those times they hold them at, must be some of the times mentioned and appointed in the Statute of 2 H. 5. c. 4.

As to the place 'tis not ascertained by Law, only must be within the County.

Justices of the Peace may keep their Sessions at what place of the County they will, if they be not restrained by a Statute, *Jenk. 212. pl. 49.*

An Order made at the Sessions of the Peace is a Record *March 14.*

If any thing be done in private Sessions it ought to be returned to the Quarter Sessions, *Styl. 360.*

All the Sessions is but as one day, *Palm. 44.*

An Order of Sessions may be good in part, and void in part. The King against the Inhabitants of *Hilton.*

If the Queen should make a place within the County, a County of it self, and give them all Privileges of the Jurisdiction, it will not be safe for the Justices of the ancient County to hold their Sessions there, except the Queen by her Letters Patents reserve such a power; If a particular Corporation within the County hath its own Justice, yet the Justices for the County may hold their Sessions there, but cannot meddle with Matters arising within the said Corporation, until it be forfeited by *Quo Warranto*.

If two Justices or more shall appoint their Sessions to be holden in one Town, and two or more Justices in another Town at the same time, by the Opinion of Mr. Imbert, p. 370. and Mr. Marrow, they may be so held, and the Presentments in both are good; but the Appearance of one is a discharge of Service of the other. But others are of Opinion, That there is no power given to hold more than one Sessions at a time, and so their Authority being equal, and seeing no preference can be made by Priority of time, or Nature of the Service, that they are both void.

The Sessions ought to be warned by Warrant of two or more Justices, *Quorum unus*.

The persons that ought to appear at Sessions are :

1. The Justices themselves, who shall return thither such Recognizances and Examinations as they have taken, that so the parties may be prosecuted and convicted or acquitted, and also decide such Difficulties as shall arise, and give Information touching persons, and things falling within their knowledge respectively, 3 H. 7. c. 1. *fine*.

2. The *Custos Rotulorum* must be present himself, or his Deputy, the Clerk of the Peace, with the Rolls of the Sessions, &c. Lamb. 372.

3. The Sheriff or his Deputy to receive the Fines, to return Jurors to examine Process, &c. He is commanded by the Commission to attend the Justices at all times, specially at the Sessions.

4. The Constables of Hundreds, and every other Officer to whom any Warrant is directed to make Return hereof.

5. The Gaoler shall bring thither such as have been sent to him by *Mittimus*, *Larcenies*, and such other Offences, of which the Sessions do usually deliver the Gaoler, and

and also to deliver a Kalender of such as are in his Gaol and to receive such as may be there committed to his Charge.

6. The Governor of the House of Correction to give in a Kalender of such Rogues, &c. as have been committed to his Custody : In default hereof he is fineable by 7 Jac. c. 4. §. 9.

7. All Jurors returned by the Sheriff by virtue of the said Precepts.

8. All persons bound by Recognizance to answer or prosecute, or to give Evidence.

9. All Bailiffs of Hundreds and Liberties to give an Account of Sessions Process, &c.

10. All Coroners, &c.

The Jurors not appearing according to Summons are punishable by Fine.

The Constables, &c. are punished by Fine put upon them in the Sessions.

The Justices being met, the course is with three Oyes to proclaim the Sessions, and then the Commission is read ; which done the Constables are called, &c. and on or more Grand-Juries for Presentment, which being sworn, the Charge is given ; then they call the Recognizances, especially such as are to prosecute, and give Evidence, that so Bills may be drawn and prepared : To this purpose an able Clerk is requisite. These Bills being ready, the Parties bound over are sworn to give Evidence, and they are usually commanded to go with the Jury whilst they consider of the Matter of the Bill ; but if the Matter be weighty or difficult, or the Jury not able, or the Prosecution too slack or over violent, the Evidence ought to be given in Court that the Jury may be assisted in doing their Duty.

Whilst the Juries are absent the Course is to hear motions touching Settlement of poor persons, and so call persons bound to the Peace or Good Behaviour. But such are not to be discharged until the end of the Sessions, for fear lest any come to prefer Bills against them, or with other Complaint when they are gone.

Tryal.

Now the Tryal of Prisoners and the Proceedings thereupon are in this manner : Towards the end of the Sessions when the Bills are come in, the Gaoler is called to set his Prisoner at the Bar ; Then the Cryer makes a Bar. One of the Prisoners is called to, *A. B. hold up thy Hand. Thou standest indicted by the Name of A. B. &c.* reciting the whole

whole Indictment in English; which done, *How sayst thou A. B. art thou Guilty of this Felony and Burglary, or, &c. whereof thou standest Indicted, or not Guilty?* If he say Guilty the Confession is Recorded, and he set aside till Judgment; If he says Not-Guilty, the Clerk says, *Culp. prit. Ho wilt thou be tryed?* He answers, *By God and my Country.* But if he stands mute, it is best to ask him at least three times, and tell him the grievousness of the Judgment, *de paine fort & dure*; and if he will stand mute it must be Recorded.

If he plead Not-Guilty, record that, and in like manner arraign the rest of the Prisoners. And if two, three or more, call them thus severally, *Thou A. B. hold up thy End, thou C. D. &c.* Then say, *Thou A. B. by the Name of A. B. &c. and thou C. D. &c. by the Name of C. D. of, &c.* So of the rest, for that thou, &c. and so recite the substance of the Indictment: Then call them severally to plead, &c. which done, the Prosecutors are called on their Recognizance to give Evidence; then the Jury are called upon their Pannel, thus, *You good Men that are returned, &c. impannelled to try the Issue joyned between our Sovereign Lady the Queen and the Prisoners at the Bar, answer by your Names*; which done, and a full Jury appearing, make Proclamation, *If any can inform the Queen's Attorney of this Court of any Treason, Murder Felony, or other Misdemeanors against A. B. &c. the Prisoner at the Bar, let them come forth, for the Prisoner stands upon his Deliverance.* Then say to the Prisoner, *The persons that you shall now hear called to pass upon your Life and Death (or if it be Petty Larceny are to pass upon your Tryal) if you will challenge them, or any of them, you must challenge them as they come to the Book to be sworn, and before they be sworn.* Then call the Foreman of the Jury, and say to him, *Lay your Hand upon the Book, and look upon the Prisoner, You shall well and truly, and true deliverance make between our Sovereign Lady the Queen and the Prisoner, or Prisoners, at the Bar, whom you shall have in Charge; You shall true Verdict give according to your Evidence; So help you God.* Then call the second, and so to twelve, for neither more nor less must be sworn. After say, *You shall understand A. B. now Prisoner at the Bar, and indicted for that he (or if more than one is indicted, or that they, &c.) and having recited the Indictment say, To which Indictment he hath pleaded Not-Guilty, and for his Tryal hath put himself upon God and his Country, which Country ye are, so that your Charge is to enquire whether he be*
Guilty

Guilty of the Felony, &c. whereof he stands indicted, or Guilty; If you find him Guilty, you shall enquire what Goods and Chattels he had at the time that the said Felony, or Treason, or, &c. was committed, or at any time since; (Or, if it be for Felony, then what Goods and Chattels, Lands Tenements he had at the time of the said Felony committed, at any time since.) If you find him Not Guilty, you shall enquire whether he did fly for it; if you find he did fly for it, you shall enquire what Goods and Chattels he had at the time of such flight; if you find him Not Guilty, and that he did fly for it, you shall say so and no more. Then call the Witnesses and swear them one by one thus, *The Evidence that you shall give on the Behalf of our Sovereign Lady the Queen against A. B. Prisoner at the Bar, shall be the whole Truth and nothing but the Truth, So help you God.* And the Evidence being given, set another Prisoner at the Bar, and say, *You shall likewise understand that C. D. stands likewise indicted before you this time, for that he, &c. (and so recite the Indictment) for which he hath been arraigned, and pleaded thereto Not Guilty, and for his Tryal hath put himself upon God and his Country, which Country you are: You are therefore to enquire of him as of your first Prisoner (that is, whether the Offence is of the same degree) and so hear your Evidence, &c. after the Evidence given a Bailiff must be sworn to keep the Jury thus; You shall swear that you shall keep this Jury without Meat, Drink, Fire or Candle; you shall suffer none to speak to them, neither shall you speak to them yourselves, but only to ask them whether they are agreed, so help you God.*

The Jury coming back within or near the Bar, the Prisoners are brought to the Bar. Call the Jury; they appearing, say, *Set A. B. to the Bar, who being there, say, Look upon him Masters of the Jury, How say you, is A. B. Guilty of the Felony (or as the Case is) whereof he stands indicted, or Not Guilty?* If they say Not Guilty, bid him kneel down upon his Knees; If they say Guilty, Record it, and bid him be taken away. Then say, *Gaoler, set C. D. to the Bar, and do as before; and when the Verdict is given, then say; My Masters of the Jury, hearken to the Verdict as the Court hath Recorded; You say, A. B. is Not Guilty of the Felony whereof he stands indicted, You say C. D. is Guilty of the Felony whereof he stands indicted, and so onwards with the rest, Mutatis Mutandis.* Then make Proclamation and say, *All manner of Persons keep Silence while Sentence is giving, upon pain of Imprisonment.* Then set the first Prisoner

or to the Bar, and give the Sentence, and so for the

Upon Tryals of this Nature, Counsel was not to be allowed to the Party, unless he could shew to the Court some Matter of Law or otherwise: The Court is to be of Counsel with the Prisoner, and ought to advise him for his good, not taking advantage too strictly against him. The Court also may be informed from a By-stander, especially a Man of Law, who offers any thing as *amicus Curie*, respecting to the Tryal or manner of it.

Jo Witnesses were formerly to be examined upon Oath against the Queen, but being seriously admonished to speak the Truth, any person might be examined without Oath for the Prisoner.

But now, by the Statute of 7 W. 3. cap. 3. where any person is Indicted of High Treason, whereby any Corruption of Blood may be made, or for Misprision of such Treason, he shall be allowed to make his full Defence by Council Learned in the Law; and to make any Proof by Lawful Witness or Witnesses, who shall then be upon Oath. And the Court before such person is tried, shall assign him such Council as he desires, not exceeding two.

By the Stat. 1 An. Sess. 2. cap. 9. All persons appearing as Witnesses on behalf of the Prisoner, upon Tryals for Treason, or Felony, before they give Evidence shall take an Oath to depose the Truth; and if Convicted of wilful Perjury, shall suffer accordingly. See the Statute p. 373.

It hath been questioned whether a Felon may be tried in the same Sessions in which he is indicted; and it seems at least reasonable to defer to another Sessions, especially if the Prisoner desire it.

Many things ought not to be done by the Justices but in their Sessions; namely where the exercising of their Authority requires a Court, and publick Meeting for the doing thereof.

Other Matters there are, which by several Statutes cannot be executed, but in the Sessions after *Easter*, or in other particular Sessions; as taking account of the Treasury for maimed Soldiers, and charitable Uses, &c. By the Statute of 43 Eliz. cap. 2. 43 Eliz. cap. 3. must be done in *Easter* Sessions. See the Rate of Wages by 5 Eliz. p. 4. And every Justice not present thereat, shall forfeit 10 l. §. 15, and 17.

Other

Other things must be done in Sessions, but may be done in any of them, as the discharge of Apprentices used four Justices, 5 *Eliz. c. 4. §. 35.* Licensing of Beggars three Justices in Sessions, (*Quorum unus.*)

Note, The Usage which is crept in, in some Counties for four Justices to make Orders in their Chambers, at the Adjournment of the Sessions, touching matters of Importance, is neither valid nor safe, but upon Complaint punishable.

Note also, That the Usage in some Sessions to discharge or set aside Orders made in publick Sessions, whether the same be made upon an Appeal, as sometimes upon the Statute of 18 *Eliz. cap. 4.* in case of Bastardy upon 14 *Car. 2. cap. 12.* touching Settlement, &c. or by themselves, and intended to be final and absolute, the Usage is by no means legal or allowable, according to *Pridgeon's Case, Cro. Car. 350.*

A private Sessions of the Peate is not said to be held for the County, *Syl. 359.*

Sessions cannot meddle with Forgery, Non-Resistance, Witchcraft, &c. or other Offences by Statute when power is not thereby given them, *Savil 134. 212.*

An Order of Sessions quashed, which was to keep a reputed Child, and doth not shew it was a Bastard, *St. 154.*

If the Justices grant their Warrant to the Sheriff for the holding a Sessions at a certain time and place, the Queen by *Supersedeas* may countermand it; but other Justices of the same County cannot do it. *Fitz. Just. 10.*

The Proclamation mentioned, 4 *H. 7. cap. 12.* shall be read every Quarter Sessions on pain of 20 s. for every Justice present.

The Statute of 5 *Eliz. cap. 1.* concerning the Queen's power over all Estates, &c. shall be read openly every Quarter Sessions by the Clerk of the Peace, §. 15.

The Quarter Sessions for the County of *Anglesey* is appointed to be held for ever at the Town of *Beumaris*, by the Statute of 5 *Ed. 6. not printed, Dyer 135.*

If a Man be bound generally to appear before a Justice of Peace within forty days, and that before forty days be expired the general Sessions begins, he ought to appear at the same, tho' not expressed.

If a Justice command one on pain of 10*l.* to appear at the next Sessions, yet no *Scire facias* shall go out against him tho' it do not appear; but at the next Sessions he may be attached for the Contempt.

The Statute concerning Archers shall be proclaimed at every Sessions, 33 H. 8. c. 9. §. 20.

The Justices (when a Riot is committed) ought to hold a Sessions within a Month after, upon pain of 100*l.* for every Justice next adjoining which shall fail so to do, 3 H. 4. c. 7. §. 1, 4.

Upon complaint of a Forceable Entry by the Parties grieved, a Sessions shall be held within a reasonable time, H. 6. c. 9.

Sessions may commit a Justice for breaking the Peace, *enk.* 174. pl. 47.

Sewers.

A Sewer signifies a Passage, Gutter or Drain to convey the Water into the Sea, or a River, and the Office of Commissioners of Sewers is principally to see such Passages, Drains and Ditches well scower'd, kept open, and maintained for the preservation of Lands and Cattle in the Marish and Fen Counties especially.

Six Justices in the Shire where any Laws of Sewers are to be executed (*Quorum duo*) may execute the same for one year, after the Expiration of the Commission where-by they were ordained, except a new Commission be published in the mean time, 13 Eliz. c. 9.

See the Authority of the Commissioners of Sewers, the Forms of their Commissions and Oaths at large, 23 H. 8. c. 5. Made perpetual 3 & 4 E. 6. c. 8.

These Commissioners cannot make any New-River, or Invention, as Mills to cast Water, &c. yet they may remove ancient Banks, or Sewers into more convenient places, 10 Co. 142.

They cannot cast down any Mills, Causeys, &c. erected before the time of Ed. 1. but may abate them if raised above their ancient height, 10 Co. Rep. 138. b.

They ought not to tax any towards these Reparations, &c. or but such as have prejudice by the Nuisance, &c. or may have benefit by the reforming them, 6 H. 6. c. 10. 10 Co. 143. b.

They ought to tax all who may be endamaged by not repairing though their Lands be not adjoining, and it must be proportionable to the yearly value of the Land, &c. *Co. 5. Rep. 100. Dalt. cap. 60.*

If a Person be bound by Prescription to repair the Bank of a River, &c. and be not of ability to do it, or if by an unusual overflowing, the Banks are broken down, the Commissioners may charge such as have Lands in danger, to Reparation of the same together with persons so neglecting, *5 Co. 100. and 10 Co. 139.*

If a person be bound by Prescription to repair, &c. and the danger become unavoidable, whereby others are charged, every one of them may have his Action upon his Case against him, and recover Damages, *Fitz. N. B. 93. g.*

These Taxations ought to be particular upon every several Owner, or Occupier of Land, &c. and not a general Sum in gross upon the whole Town, *10 Co. 143. See Serjeant Callis his Reading on the Statute of 23 H. 8. cap. 5.*

Sheriffs.

THE *Custos Rotulorum*, or the eldest Justice of the *Quorum* in his absence at the general Sessions after *Michaelmas* ought to appoint two Justices (*Quorum unus*) to have the oversight and controlement of the Sheriff Under-Sheriff, their Officers and Deputies, and the inspection of their Books, Amercements and Estreats, in their County Courts. *11 H. 7. cap. 15.*

Either of these two Justices, or (as it seems) any other Justice upon Complaint of the Party grieved, may examine the Sheriff, &c. for taking, or entring Plaints in the said Courts against the Statutes. 1. If a Plaint be entred in their Books in a persons Name, who is neither present in Court, in Person or by Attorney. 2. If the party find not good Pledges: (*sc.* known persons) to pursue his Plaint. 3. If the Plaintiff shall enter more than one Plaint for one Trespass, Contract or Cause. 4. If the Sheriff, &c. shall enter any more Plaints than the Plaintiff supposeth he hath cause of Action for, against the Defendant.

If the said Justices shall find any of these defaults upon their Examination, this shall stand for a sufficient conviction without farther Enquiry, and they shall forfeit to the Queen 40 s. for every Default.

And the Justice which took the Examination shall certify the same to the *Exchequer* within a quarter of a Year upon pain of 40 s.

Also the said Justices may examine the Defaults of the Bailiff of the Hundred for not warning the Defendant to appear according to his Precept, &c. And if such default be found by the Justice it shall stand for conviction; also the Bailiff shall forfeit to the Queen 40 s. *ut supra, Ibid.*

Sheriffs, &c. shall make no Estreats to levy their Shire Amercements, until the said Justices have had the view of their Books, which Estreats shall be by Indentures between the said Justices and Sheriffs, &c. *Ibid.*

The Bailiffs and Collectors, &c. of the said Amerciaments shall be sworn by the said Justices that they shall take no more Money than is contained in such Estreats.

The said Justices, or one of them, may examine the Defaults of the Collectors, &c. and if they find any, such finding shall stand for a sufficient Conviction, and they shall forfeit to the Queen for every default 40 s. &c.

The said Justices upon suggestion of the party grieved shall make like Process, as in Trespass against the Sheriff, &c. to make him appear to answer such Suggestion.

No Sheriff, Coroner, &c. who may make Return of Writs, shall return any Jurors Dwelling out of any Liberty, without the true addition of his Dwelling at the time, or within a Year before, or other sufficient addition, nor within any Liberty without such addition, as shall be certified to him by the Bailiff of the Liberty under his Hand, 27 *Eliz. cap. 7.*

No Bailiff of a Liberty or Deputy shall return any Jurors, or deliver his Name to the Sheriff without such addition.

No Extract of Issues against the Juror shall be delivered out, or put in Use without addition in the original Pannel or Tales.

No Under-Sheriff, Bailiff, &c. shall collect any Issue of any person not charged with the Extract for the payment thereof,

Upon pain that the Clerk writing, &c. and every person offending against this Act, shall pay to the Queen five Marks, to the party grieved five Marks.

The Justices may determine hereof and make Execution of the Forfeitures, *Ibid.*

The Sheriff, &c. which shall return a Juror which cannot dispend 4 *l.* upon Tryals in the Courts at *Westminster*, or at the Assizes shall forfeit 20 *s.* 17 *Eliz. cap.*

Upon the first *Distringas* or *Habeas Corpora*, the Sheriff, &c. shall return 10 *s.* Issues upon every Juror, upon the second 20 *s.* upon the third 30 *s.* and upon every farther Writ double the Issues, forfeit 5 *l.*

If any be returned summoned, which is not, at loss of Issues, &c. the Sheriff, &c. shall forfeit double his Issues.

If a Sheriff, &c. shall take a Reward for not returning a Juror he shall forfeit 5 *l.* to the Queen and Prosecutor, *Ibid.*

No Sheriff during his Office shall execute the Office of a Justice of Peace, and all such Actions done by him shall be void, 1 *Mar. Sess. 2. cap. 8.*

Sheriffs, &c. shall take no more for any Extent other Execution than 12 *d.* in the pound for the first 100 *l.* and 6 *d.* for every 20 *s.* more, upon pain of forfeiting to the Party treble Damages, and 40 *l.* to the Queen and Prosecutors, 29 *Eliz. cap. 4.*

This Act extends not to Fees for an Execution in Corporation, but it must be intended of Actions arising within the same Shire tried, and Judgment given *Ibid.* See *Cro. Eliz. 263.*

If any Under-Sheriff, Bailiff of a Franchise, &c. shall intermeddle, not having taken the Oath hereby appointed, he shall forfeit 40 *l.* to the Queen and Prosecutors, 27 *Eliz. 12.*

The Justices in their Sessions may determine the Fault against this Act, and award Execution for the Forfeitures, *Ibid. §. 6.*

The *Custos Rotulorum*, or any two Justices (*Quorum unus*) may administer the Oaths of the Under-Sheriff, his Bailiffs, Clerks and Officers, 27 *Eliz. cap. 12. §. 2.*

Special Bailiffs are not to be sworn, *Crompt. 76, 10 Jones Rep. 247. Dalt. cap. 61.*

Sheriffs and their Ministers shall not make any Process upon Indictments in their Leets or Turns, but shall deliver such Indictments at the next Sessions, forfeit 40 *l.* &c. and the Justices may proceed thereon.

and return the Estreats by Indenture, and if the Sheriff shall levy any Amercement, &c. without such Authority, he shall forfeit 100 l. 1 Ed. 4. cap. 2.

Silk Throwing.

NO Person shall exercise this Trade, unless he hath been an Apprentice thereunto for the space of seven Years, or forfeit 40 s. a Month to the Queen and Prosecutor, 14 Car. 2. cap. 15. To be recovered in any Court of Record, or at the Quarter Sessions of the Peace.

If any Silk-winder or doubler imbezil any Silk delivered unto him, or if any person buy any Silk so imbeziled, he shall be punished by a Justice of Peace, as the said Statute is appointed, *Ibid.* §. 6.

Skinnerg.

NO Tradesmen other than a Skinner shall dress or transport any black Coney-skins of the Breed of England, unless the same be tanned according to the skill of Artists and Skinners, or forfeit the value thereof, 1 Jac. cap. 9.

No Merchant, &c. shall buy any Coney-skins or Lamb-skins, of the Breed of England, or being here, under a thousand black Coney-skins, Three thousand grey Coney-skins, or Two thousand Lamb-skins, or sell the same again, under the like numbers except to a Skinner, or forfeit the same or value.

No person shall keep any Servant, &c. to work with him in the Trade, except he hath served seven Years, and useth the Trade of a Skinner, or forfeit double value of the Skins to the Queen and Seizor, *Ibid.* §. 4.

Soldiers.

EVery Parish shall be charged to pay Weekly to the relief of maimed Soldiers, as shall be assessed in the Quarter Sessions after *Easter*, 10 s. as no Parish pay above 10 d. or under 2 d. Weekly, 43 *Eliz. cap. 3.*

The Mayor, Aldermen, Recorder of *London* may tax every Parish there, not exceeding 3 s. a Parish, or under 12 d. *Ibid.* §. 9.

The Sum shall be rated by the Parishioners amongst themselves, or in default thereof by the Justices aforesaid, to be levied by Distress, *Ibid.* §. 4.

The Churchwardens and Constables shall collect and pay it to the High-Constable, ten Days before the Sessions, and the High Constable to the Justice appointed, *Ibid.* §. 5.

Churchwardens and Petty Constables failing hereof shall forfeit 20 s. High-Constables 40 s. to be levied by Distress: And the Treasurer not accounting shall be fined at the Sessions not exceeding 5 l.

Every disabled Soldier and Seamen, shall if able repair to the Treasurer of the County where he was pressed &c. with his Certificate, whereupon he shall receive from such Treasurer a proportionable relief until the Sessions: And then the Justices shall under their Hands grant the same for his Life, so as no one that hath not born any Office shall have above 10 l. Yearly pension, such as have born Office above 15 l. and a Lieutenant above 20 l. yet the Justices in their Sessions may alter or revoke the same, *Ibid.* §. 8, 9.

If such maimed Soldier shall arrive in a County far distant from the place, where he ought to receive such Pension, The Treasurer of the County where he arrives shall give him relief with a Testimonial, and so from County to County until he come to the place where his Pension must be settled, *Ibid.* §. 10.

The Treasurer shall keep a Book of the Sums levied, and relief given, and preserve every Certificate, and if they refuse to give relief, they shall be fined at the Sessions, and it shall be levied by distress, *Ibid.* §. 11, 12.

If such Soldier shall beg he shall be punished as a Rogue. So if he counterfeit a Certificate, *Ibid.* §. 13.

The Surplusage of such Stock shall be bestowed by the Sessions to Charitable Uses limited by the Statute, and the Forfeitures of every Treasurer, &c. shall be employed to the same use, *Ibid.* §. 14. 6.

In Corporations where there are Justices of the Peace, such Justices only with the Majors or Bailiffs, &c. shall execute this Act, *Ibid.* §. 15.

If any commanded to be mustered shall absent himself without lawful cause, or shall come and not bring his best Furniture, &c. he shall be imprisoned without bail ten Days, or agree to pay 40 s. to the Queen, & 5 Ph. & M. cap. 3.

If any Man authorized to Muster or levy Men for the Defence of the Kingdom, shall receive a Reward, he shall forfeit ten times the value.

If any Captain, &c. shall for advantage Licence a Soldier to depart, he shall forfeit ten times the value of the thing taken; and if he shall detain his Soldiers Pay above ten Days, he shall give him treble as much.

The other Forfeitures shall go to the Queen and the Prosecutor, and may be recovered in any Court of Record by Information or otherwise.

The Justices in their Sessions may determine the Offences and award the Offenders to Prison till payment of the Forfeiture, *Ibid.*

If Soldiers taking prest or wages to serve the Queen depart out of the Service it is Felony, by 7 H. 7. 1. 3 H. 8. cap. 5. 2 Ed. 6. cap. 2. 18 H. 6. 19. See 5 Eliz. 5. 1 Jac. 25. 3 Inst. 86.

The Captain is he who is to command, and the Conductor is he who is hired to guide the Soldiers in the way to their Captain, and departing from him is Felony.

Justices of Peace may try the Offence at their Sessions, and so may Justices of Oyer and Terminer, Cro. Car. 71. Hutt. 134.

The next Justice may commit to the House of Correction such Persons as shall be falsely mustered, or offer himself so to be, there to remain for the space of ten Days, and such person so falsely mustered shall be taken as a listed Soldier, 2 & 3 Ann. cap. 20. 303.

Such as shall lend Horses to be mustered forfeit the Horse to the Informer, if it belonged to the Lender, or otherwise, 20 l. upon Oath, by two Witnesses, before the next Justice, *Ibid.*

Oath being made to two or more of the next Justices by two or more Witnesses of any Officer that shall quarter Soldiers upon private Houses against the Owner's wills, or shall threaten any Civil Officers to deter them from performing their Duty, the Justices Certificate thereof to the Judge or Advocate, the Officer shall be cashiered, &c. *Ibid.* 307.

Officers and Soldiers to pay such prices as the Justices in their Sessions shall appoint for Provisions, for one or more Nights on their March, *Ibid.*

No Commissioner shall muster Forces within *Wesminster* and *Southwark*, and Liberties thereof, but in the presence of two Justices of Peace, not being Officers in the Army, upon penalty of forfeiting their Places, and being disabled for the future; this Act to extend to the Islands of *Jersey* and *Guernsey* as to the Mustering and Paying, *Ibid.* 311.

Upon her Majesty's Order, the Justices within their Liberties must issue Warrants to the Constables, &c. for the providing Carriages for her Majesties Forces in their March, *Ibid.* 312.

If any Officer of the Troop or Company constrain any Carriage to travel more than one Day's Journey, or suffer Souldiers or Servants (except Sick and Wounded) or Woman to ride therein, or threaten a Constable to provide Saddle-Horses for the Officer, or his Servants, or force them from the Owners, shall forfeit 5 l. for every Offence, proof being made upon Oath before two Justices, who are to certify it to the Pay-Master-General, who is to pay it according to the Justices order, under their Hands and Seals, *Ibid.*

If any Officer, Military or Civil, quarter any of the Wives, Children or Maid-Servants of Officer or Soldier in any private House against consent of the Owners, shall be cashiered, and if a Constable or Tithing-Man, &c. then he shall forfeit 20 s. to pay the party grieved, upon complaint and proof to the next Justice, to be levied by Distress and Sale, and Charges, *Ibid.* 314.

If any Officer or Soldier shall without leave of the Lord of the Manor, under his Hand and Seal, take, kill or destroy any Hare, Cony, Pheasant, Partridge, Pigeon, or any sort of Fowl, Poultry or Fish, or any Majesty's Game within *England, Wales and Berwick*, and upon complaint shall be upon Oath convicted before a Justice of Peace, every Officer shall forfeit 5 *l.* to be distributed amongst the Poor of the place, and chief commanding Officer shall pay 10 *s.* for the Offence of every Soldier, to be distributed as aforesaid, *Ibid.*

14. If upon Conviction before a Justice, and Demand by Constable or Overseer, the Officer pay not the penalties within two Days, he forfeits his Commission, *id.*

Soldiers to be quartered by Constables, &c. in Inns, Livery-Stables, Alehouses, Victualling-houses and Houses selling Brandy, Strong-water, Cyder or Metheglin, by retail to be drunk in their Houses, and in no private House whatsoever, *Ibid.* 306.

If any poor Soldier or Marriner shall come from beyond the Seas to the place of his Birth, &c. and shall not be able to get work there, two Justices near the said place shall take order to set him on work, or for want thereof shall Tax the whole Hundred for his relief until work be had, 39 *Eliz.* cap. 17. §. 6.

By the Statute of 2 & 3 *An. cap.* 19. It is Enacted, That the Justices of the Peace of every County, or any three of them; also the Mayor, &c. in City or Town Corporate, between the 1 *March* 1703. and 1 *March* 1704. shall and may raise and levy within their several Jurisdictions, such able bodied Men as have not any lawful Calling or Employments, or visible means and Livelihood, to serve as Soldiers in carrying on the present War, and the said Justices are impowred to require and command all High-Constables, Petty Constables, &c. to bring before them any such Persons, as aforesaid, and if upon Examination, they find them to be such as are by this Act intended, then they shall cause them to be delivered by the Constable, &c. to such Officer or Officers belonging to her Majesty's Forces as shall be appointed to raise and receive such Men.

And

And the respective Officer shall pay to every person so raised 20 s. and to the Constable for every Man, Sum to be ascertained by the Justices not exceeding 10 s. *Ibid.* p. 293.

After the payment of the said 20 s. and the reading the Articles of War to him, every person so raised shall be deemed a Listed Soldier ; and in case of Desertion shall be punished as a Deserter, *Ibid.*

This Act not to extend to the taking any person to serve as a Soldier, who hath any Vote in the Election of any Member to serve in Parliament, in any County, City, Borough, or place in *England, Wales or Berwick* *Ibid.* p. 294.

Justices shall give in an Account at the next Quarter Sessions, of persons by them Listed, and to whom delivered, &c. which Account shall be kept by the Clerk of the Peace, and may, if any Action, Plaint, Suit or Information, be brought against any person or persons for any thing done in pursuance of this Act, he or they may plead the General Issue, and give this Act and the special Matter in Evidence ; and if it goes for the Defendants, they shall recover treble Costs, *Ibid.* p. 295. The like Enacted 3 & 4 An. c. 11.

It was again Enacted by the *Stat. 4 & 5 An. cap. 10.* That the Justices of Peace in their several Counties, or any three of them, as also the Mayor, &c. of City or Town Corporate with two or more Justices of Peace of the same City, or in default of them of the County, &c. may between the last of *Febr.* 1705. and the first of *March*, raise and levy such Able-bodied Men as have not any Lawful Calling or Employment, or visible means for their Maintenance and Livelihood, to serve as Soldiers for Recruiting Her Majesties Land Forces and Marines, and to require all Constables, &c. by Warrant under the Hands and Seals of three or more such Justices, &c. to make Search within their respective Parishes for all such persons who are within the Description of this Act, and bring them before any three or more Justices or Magistrates, who have power to execute this Act ; who (if they find them to be such as by this Act intended) shall cause them to be delivered over by such Constable, &c. to such Officer of Her Majesties Forces as are appointed to raise and receive such Men, such Officer giving a Receipt, &c.

And

And such Officer shall pay to every such person so raised 20 s. and to the Constable or other Officer employed in the Raising, any Sum not exceeding 10 s. a Year, to be ascertained by the Justices.

And the 14th and 13th Articles of War against Mur-
der and Desertion being then read to the new raised
Men in the presence of such Justices (of which a Me-
morial shall be Entred, and a Certificate made by the Ju-
stices) every person so Raised shall be deemed a Listed
Soldier, and subject to the Discipline of War, and in
case of Desertion shall suffer death, &c.

Fit and able persons voluntarily entering themselves
in Her Majesties Service, shall from the Officer appoint-
ed to Raise such Recruits receive 40 s. and no person
Listed by the Justices, or Listing himself voluntar-
ily, shall be liable to be taken out of Her Majesties
Service by any Process other than for some Criminal
Matter.

Yet upon notice given in Writing of the Cause of
Action to such person so voluntarily Listed, or left at
the place of his last Residence, the Plaintiff may file a
Common Appearance in any Action for Debt, so as to
entitle such Plaintiff to proceed therein to Judgment and
Outlawry, and to have any Execution thereon, other-
wise than against the Body of him or them so voluntarily
Listed.

No Justice or Magistrate having any Military Office,
other than in the Militia, shall execute any Power or
Authority by this Act given to Justices of Peace.

This Act not to extend to the taking or levying any
person to serve as a Soldier, who hath any Vote in the
election of Members to serve in Parliament.

Justices, &c. shall at every Quarter Sessions exhibit an
account under their Hands and Seals of the Names of
the several persons by them Listed at any time prece-
ding such respective Session, with the Names of the
Parishes from whence, &c. Such Account to be kept
by the Clerk of the Peace, who is to transmit true Co-
pies thereof within Twenty Days, to the Secretary of
War.

If one Justice or two Justices, and no more, shall levy
any Man, and deliver him to any Officer, under Colour
of this Act, such Justice or Justices shall forfeit 100 l.
to the party grieved, &c.

If any Suit be brought against any for any thing done
in Prosecution of this Act, they may plead the General
Issue

Issue, &c. and if the Matter goes for the Defendant he shall recover treble Costs, &c.

After the first of *June*, 1706. until the 25th of *September* following, no person working at Hay Harvest or Corn Harvest shall be Imprest by virtue of this Act, but all such persons shall be free and exempted during the time aforesaid. Provided they have a Certificate under the Hands of the Minister and Churchwardens where they live, allowed under the Hands of two Justices of the same County, &c.

High-Constables, pursuant to the Justices Warrants issued to them, are required to issue out their Warrants to the several and respective Petty-Constables, who are thereby commanded to make Search, &c. as well as if the said Justices or three of more of them had issued their Warrants to the said Petty-Constables themselves.

It shall and may be lawful for the Constable, &c. of the Town or place where any person who may be reasonably suspected to be a Deserter, shall be found, to apprehend and have such person before any Justice of Peace near the place; and if upon Examination it appears by the Party's Confession, Oath of one or more Witnesses, or the Justices own Knowledge, that such suspected person is a Listed Soldier, the Justice shall forthwith cause him to be conveyed to the County Gaol, and transmit an Account thereof to the Secretary of War. Provided this power of Imprisoning Deserters shall extend to any person who hath not been actually in Her Majesties Service as a Soldier since the 8th day of *March* 1701.

By the *Stat. 3 & 4 An. cap. 16*. It is Enacted, That after the 24th of *March*, 1704. every person in her Majesties Service in the Army, muster'd and in pay as an Officer, or Listed in pay as a Soldier, who shall before the 25th of *March*, 1706. excite any Mutiny, or Desert, shall suffer Death, or such other Punishment as by a Court Martial shall be inflicted, &c.

This Act not to extend to concern any of the Militia Forces of this Kingdom.

Mayor or Chief Magistrate of the Place where Soldiers are Quartered, shall, upon notice given of a Muster, be present at such Muster, and give his utmost Assistance for the discovering any false and untrue Muster there made, or offer'd to be made.

During

During the continuance of this Act it shall be lawful for Constables, &c. or other Chief Magistrates of Cities, Towns, &c. and for no other to Quarter and Billet Officers and Soldiers in Inns, Livery-Stables, Ale-houses, Victualling-houses, all Houses selling Brandy, Iron-works, Cyder or Metheglin by retail, to be drunk in their Houses, except the Houses of Distillers, and of any Shop-keeper whose principal Dealings shall be more in other Goods and Merchandizes than in Brandy, &c. who do not suffer or permit Tipling in their Houses, and no other, and in no private Houses whatsoever.

If any Military Officer shall take upon him to Quarter Soldiers otherwise than as limited and allowed by this Act; or shall offer any menace or compulsion to any Mayors, Constable or other Civil Officers, tending to desire any of them for performing any part of their Duty hereby appointed, such Military Officer being hereof convicted before two or more Justices of Peace next adjoining by the Oath of two credible Witnesses, and the said Justices Certificate thereof to the Advocate, &c. he shall be *ipso facto* cashiered, and utterly disabled to have any Military Employment, &c.

Officers and Soldiers so quartered, as aforesaid, shall pay such reasonable prices, as shall be appointed by the Justices of Peace in the General or Quarter Sessions, which they are impowered and required, to set and appoint at their Sessions for one or more Nights in their Marches, &c.

No Commissary shall Muster any Forces within the Liberties of *Westminster* and *Southwark*, but in the presence of two Justices of Peace not being Officers of the Army.

Justices of Peace in their several Counties, &c. being duly required thereunto by Order from her Majesty or Prince George, may Issue out Warrants to Constables next adjacent to Soldiers in their March, requiring them to make such provision of Carriages as is mentioned in the Warrant, and the Officer or Officers from whom the Carriages are provided is to pay down in Hand to the Constable so providing, 8 *d.* more, for a Waggon with five Horses, or six Oxen, or four Oxen and two Horse, and 6 *d.* per Mile for a Cart with four Horses, and so proportionably for lesser Carriages.

If any Military Officer shall force any Cart or Carriage so provided to travel more than one Days Journey, or not discharge the same in due time for their return home, or suffer his Soldiers or Servants (except sick or wounded) or any Woman, to ride in the Waggon, &c. or force any Constable by threatening Words to provide any Saddle Horses, or force Horses from the Owners, every such Officer for every such Offence shall forfeit 5 *l.* proof thereof being made upon Oath before two Justices of Peace, who are to certify the same to the Paymaster, and he to pay the said Sum to the Justices order, and stop the same out of Officers pay.

If any Officer shall Quarter any Wives, Children, or Maid Servants, belonging to any Officer or Soldier in any House against the consent of the Owner, the Party offending, if any Officer or Soldier, shall upon proof thereof to the Commander in chief be Cashier'd, if a Constable, he shall forfeit 20 *s.* upon proof before the next Justice of Peace, to be levied by Distress, &c.

If any Person shall Harbour or Conceal a Deserter, knowing him to be such, or shall knowingly buy exchange, or otherwise receive any Arms, Cloaths, Caps, or other Furniture belonging to the Queen from any Deserter, he shall forfeit for every such Offence 5 *l.* which upon Conviction at the General or Quarter Sessions, shall be levied by Distress, &c. But if the Party prosecuted be found Not guilty, he shall recover treble Costs.

Persons inhabiting in *Epsom*, or any places where Medicinal Waters are, shall not by virtue of this Act, be liable to any Soldiers billeted on them, by reason of their lodging such Persons who resort thither for the benefit of the said Waters or the Ayr, &c.

Felons convict and attainted, and reprimed in order to obtain their Pardon, may by the Judges Warrant to the Sheriff (impower by the Queen's Warrant under the Sign Manual) be delivered out of Custody, and listed into her Majesty Service in the Army or Navy, before the Pardon passes.

This Act is continued by the 4 & 5 *An. cap. 11.* to be in force from the foresaid 24 of *March 1705*, to the 25 of *March 1707*.

But as to Musters in the Liberties of *Westminster* and *Southwark*, it is now provided, That in case two Justices of Peace shall not upon 48 Hours notice, attend at Musters, then the Commissary may proceed to Muster the Regiment

Riment, Troop or Company tho' such Justices do not attend, without incurring any Penalty. Provided the Oath be made before any Justice of Peace, within forty eight Hours after such Muster, that such notice was given to six residing within the said Liberty respectively.

Stock, or County Stock.

The Parishioners, Church-wardens, &c. shall not assess the Tax imposed by the Justices after *Easter* Sessions, towards the relief of Prisoners in the *Queen's Bench* or *Marshalsea*, of the Hospitals in the County, of Losses by Fire and other Casualties, and of Relief of the Poor in the same County: Any Justice dwelling in the same Parish, if none be there, in the parts adjoining, shall assess the same; and if the Churchwardens, &c. shall neglect to levy such Assessment, the said Justices or any other may do it, by distress and sale of the Refusers Goods, on default thereof may commit him until he make payment, 43 *Eliz. c. 2. §. 12, 14.*

The like Law is where the Parishioners, &c. shall not assess the Tax for maimed Soldiers and Mariners, 43 *Eliz. c. 2. §. 3, 4.*

Note, The Landlord shall not be taxed for his Farms, for the Occupier of Land is chargeable for the same; so where any Farmer is assessed for his Goods, 50. 67. b. *Ero. Quinzim 2, 4.*

By Goods in most cases a Man may be rated, as well as his Lands, but not both for his Goods and Lands; but for such Goods or Stock of Cattle whereby he Manures his Lands, he shall not be charged where the Land is charged.

Where a Man is charged only by his Goods (in which all desperate Debts are to be deducted) upon his Oath taken that his Goods, &c. be not of such value as he is rated for them, the Justice must abate such Assessment accordingly. *Vid. Dalt. c. 63.*

Supplicabit.

THIS Writ may be directed to one Justice of Peace or more, or to the Sheriff, and sometimes to all the Justices, and then he to whom 'tis first delivered ought to execute it, and make return thereof (only without any other. The same Justices may make him *Supersedeas* to discharge him from any other Arrest, or deliver him out of Prison for the Peace, at any other Man's Suit, as it seemeth, *Crompt. 237. b.*

Another Justice cannot supersede a Warrant made by virtue of this Writ. *Dalt. c. 85.*

The Officer to whom the Precept is directed by the Justice to whom the Writ was delivered upon the refusal of the parties to find Sureties, may immediately carry him to Prison. *Ibid.*

If the Writ be directed to the Sheriff and four Justices that they or any two of them shall take the Recognizance, this Writ executed by two Justices which take Recognizance and returned by the Sheriff, as taken by them is good, *Roll Rep. 2. part 348.*

If the party make resistance, the Officer (authorized by the Warrant grounded upon the Writ) may take the *Posse Comitatus* to Arrest the Party. *Dalt. c. 85.*

He that is taken by this Writ may be Bound for his Life, but if he comes into *Chancery* and find Sureties there, he may be bound until a certain day, and may have a *Supersedeas* thence to the Justice, Sheriff, & *Ibid.*

If some Friends of the Person arrested by this Writ be bound for him in *Chancery*, he may have a *Supersedeas* and be discharged. *Ibid.*

This Writ is not to be granted but upon great cause shewn, and Oath made that he is in fear, &c. *Fitz. N. 79. b.*

All Process of the Peace or Good Behaviour out of the *Chancery* or *Queen's-Bench* shall be void, unless upon Motion made in open Court, and upon Declaration in Writing, upon Oath of the case for which Process shall be granted, unless such Motion or Declaration be mentioned to be made upon the back of the Writ, and the same Writing must be there entered on Record; and after it appears to the Court that the Cause expressed in

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such Writ be untrue, the Court may award Costs and Damages to the party, and may also commit the Offender till he pay the Costs and Damages, 21 Jac. c. 8.

If a *Supplicavit* be against divers, and the Prayer of the Peace be released to one of them, this Release ought to be certified (or a *non est inventus*) for him, and the Writ executed against the rest. *Lamb. 111.*

One may be Bound to the Peace towards the Party, and towards the Good Behaviour for the Queen, 30 Aff. part 14.

One striking in the presence of a Justice of Peace may be Bound by him to the Peace, and also to the Good Behaviour; so may be done for an Assault upon a person coming to Sessions to prefer a Bill of Indictment, or about a Traverse to be tried there, such Offender shall be Bound to the Peace towards the Party, and to the Good Behaviour for the Contempt to the Queen and Court. *Dalt. c. 85.*

It is directed to them from the *Chancery* to bind to the Good Behaviour, and it must be returned under the Hands and Seals of the Justices, 2 Cro. 669.

A Woman committed to Prison upon a *Supplicavit*, may be discharged upon moderate Bail, if with Child and her Life in danger, 2 Cro. 356.

Surveyor, See before **Highways** and **Scavenger.**

Swearing.

If any person shall prophanely Swear or Curse in the hearing of any Justice, Mayor, &c. or shall be convicted of such swearing, &c. by the Oath of two Witnesses, or confession before any Justice or Mayor, &c. he shall forfeit for every such Offence to the use of the Poor 1 s. 21 Jac. c. 20. 3 Car. c. 4. 16 Car. c. 4.

Every Justice, Head Officer, &c. may command the Constables, &c. to levy the said Sum by Distress, *Ibid.*

In defect of such Distress, the Offender being above the age of twelve years, shall be set in the Stocks three hours; if under twelve years old, and shall not pay the said 1 s. he shall be whipt by the Constable by Warrant of

of the Justice, or by the Parent or Master in the presence of the Constable. *Ibid.*

Every Offence against this Act shall be proved within twenty days after the Offence committed, *Ibid.*

By the Statute of 6 & 7 W. 3. c. 11. to supply the defects of the other, the Conviction may be by the Oath of one person.

The Forfeitures are for every Day Labourer, Common Soldiers, and Common Seamen 1 s. and every other person 2 s.

For the second Offence double the Forfeiture.

For the third Offence treble the first Offence.

In defect of Distress, the Offender being above sixteen Years, shall be set in the Stocks for one hour for every single Offence, and for any number of Offences whereof he shall be convicted at one and the same time, then two hours.

If under sixteen Years old, and shall not forthwith pay, &c. he shall be whipt by the Constable, by Warrant of the Justice, or by the Parent, Guardian or Master in presence of the Constable.

The Justice that omits the Duty of his Office forfeits 5 l. one moiety to the use of the Informer.

If any Action be brought against any Officer, &c. he may plead the General Issue, and give the Special Matter in Evidence, and upon Verdict for the Defendant, or Nonsuit or Discontinuance of the Plaintiff, the Defendant shall have treble Costs.

Every Offence against this Act shall be proved within ten days after the Offence committed.

This Act to be read in Churches quarterly under pain of 20 s. for every omission.

The Justice, &c. or Head Officer shall register in a Book all Convictions made before him upon this Act and the time, and for what Offence, and shall certify the same to the next General Quarter Sessions of the Peace for the County or Place, to be there kept upon Record by the Clerk of the Peace, to be seen without Fee or Reward.

Tithes.

BY the Statute of 27 H. 8. c. 20. upon Complaint by an Ecclesiastical Judge, Two Justices of the Peace (one of them being of the *Quorum*) have power to attach the Defendant for not obeying his Decree for Tithes. See the Statute of 32 H. 8. c. 7. and 2 & 3 Ed. 6. c. 13.

Vid. Tit. Quakers.

By the Stat. 7 & 8 W. 3. cap. 6. Small Tithes; Offerings, &c. and Compositions and Agreements for the same shall be well and truly paid; and if not within twenty days after demand, the person to whom due shall make his Complaint in Writing to two or more Justices of Peace of the County, &c. where the same are due (neither of which Justices are to be Patron of the Church where, &c. nor any ways interested in such Tithes, &c.) who shall Summon in Writing under their Hands and Seals the Party complained of, and upon his Appearance, or Default (the Summons being proved by Oath) shall proceed to hear and determine the said Complaint, and upon Proofs and Testimonies produced before them, shall in Writing under their Hands and Seals adjudge the Case, and give such reasonable Compensation for such Tithes, &c. as they shall judge to be just and reasonable; and also Costs and Charges not exceeding 10s.

And upon refusal or neglect to pay the same by the space of ten days after notice, the Constable or Churchwarden by Warrant under the Hands and Seals of the said Justices, shall distrain, and after three days sell the Distress, &c. rendring the Overplus (if any be) to the Owner.

This Act not to extend to *London*, or other place where the Tithes, &c. are settled by Act of Parliament, particularly provided.

The Complaint must be made within two years after the Tithes, &c. become due.

Persons agrieved may appeal to the Sessions, where if the first Judgment shall be affirmed, they shall give such costs against the Appellant as shall seem just and reasonable, to be levied by Distress, &c.

No Judgment given by virtue of this Act shall be suspended by this Act; or removed by any Writ out of the

the Courts at *Westminster*, unless the Title of such Tithes, &c. shall be in question.

Where the Defendant insists upon a Prescription or *Modus decimandi*, &c. and deliver the same in Writing subscribed by the Party, and also then give sufficient Surety to pay such Costs and Damages as upon a Tryal at Law shall be given against him, in such case the Justices shall forbear to give any Judgment, but leave the Matter to be determined in the other Courts where Suit might have been before this Act.

Judgments given before Justices of Peace out of Sessions by virtue of this Act, shall be inrolled by the Clerk of the Peace, for which he shall receive no more than 1 s.

Justices may give Costs to the Defendant, not exceeding 10 s. if they find the Complaint Vexatious.

Where any is sued for any thing done in Execution of this Act, if the Plaintiff be Nonsuit, or Verdict pass against him, the Defendant shall recover double Costs.

No person suing for Tithes, &c. not exceeding 40 s. in the Exchequer or Ecclesiastical Court, shall have the Benefit of this Act for the same Matter.

This Act being at first only Temporary, is now made perpetual by *Stat. 3 & 4 Ann. c. 18.*

Tobacco.

NO person may Plant any Tobacco upon pain of forfeiture of 40 s. for a Rod of Ground so planted, and so *pro rata* for every quantity, 12 Car. 2. c. 34.

And by the Statute of 15 Car. 2. c. 7. §. 18. There is a penalty given of 10 l. for every Pole above the said 40 s. one third to the Queen, another to the Poor, the other to the Informer.

All Sheriffs, Justices, Mayors, &c. upon Information that Tobacco is sown within their Precincts (except in Physick Gardens) shall cause the same to be destroyed, every person resisting the same, &c. shall forfeit 5 l. to be levied by Distress, and shall be imprisoned for two months without Bail, and shall enter into Recognizance of 10 l. with two Sureties not to do so again. 12 Car. 2. c. 34. and 15 Car. 2. c. 7. §. 19.

All Justices a month before the Quarter Sessions shall issue a Warrant to the High-Constables to make enquiry what Tobacco is sown, &c. and to present the same in Writing upon Oath, &c. which Presentment being filed shall be a Conviction, unless the party have notice, and shall at the next Sessions traverse the same, finding Sureties to prosecute, 22 & 23 Car. 2. c. 26.

All Constables, &c. within fourteen days after Warrant from two Justices may destroy the same Tobacco, *Ibid.*

This Statute was continued by several Statutes; The last was 11 & 12 W. 3. cap. 13. whereby it is continued for seven years, from the 29th of Sept. 1700. and to the end of the next Session of Parliament.

Traverse.

TO traverse an Indictment is to take Issue upon the chief Matter thereof, or to make contradiction, or deny the point of the Indictment. As if *A.* be presented for a Highway overflown with Water, or default of scowring a Ditch which he and they (whose Estate he hath in certain Lands there) have used to cleanse, *A.* may traverse either the matter, *viz.* That there is no such Highway there, or that the Ditch is sufficiently scoured, or otherwise he may traverse the cause that he holds not that Land, &c. or that he and they whose Estate, &c. have not used to scour the Ditch. *Lamb. 521, 522.*

After Process *ad Respond.* is awarded against the Party, he may come in, and either yield to pay his Fine, or offer his Traverse to the Indictment found before the Justices, which they ought to allow him, the words of which are in Latin, *absq; hoc, &c.* *Dalt. c. 144*

The Justices in many Cases out of Sessions may take Indictments, award Process *ad Respond.* and to hear and determine, but the Offenders may answer for themselves, and if they offer their Traverse, the Justices must receive it, but cannot try the same (except in Riots and Forceable Entries) out of Sessions, and therefore they must send the Inquisition, &c. into the *Queen's-Bench*, Quarter or General Sessions to be tried there. *Ibid.*

There were some of Opinion formerly, That a Presentment not charging a Man's Freehold was not traversable; but now when Process is awarded the party may traverse, or else the Process were in vain, *Lamb. 522, 523.*

But if a Man be of an Enquest that Indicts him of Trespass, &c. he shall not traverse it, because upon the matter, he indicted himself, as *Mr. Marrow* hath delivered.

If one Justice of the Peace alone will take upon him to record a Riot, the Party shall not be concluded thereby, for he may traverse it, *Fitz. Tit. Justice del P. 9. Lamb. 185.*

Treason.

TReason is twofold, High Treason and Petty Treason, of which I shall discourse in order, beginning with the first of them.

To imagine or intend the death of the Queen, and to declare by any Overt Act, as by Words or Letters is High Treason; so an intention to deprive, depose or disinherit the Queen is Treason.

To say that he will be King after the Kings Death is Treason, 13 *H.8. f.12. Duke of Buckingham's Case.*

It seems that if a mad Man shall attempt to kill the Queen, it is High Treason, 4 *Co. 124. b. Sed. vide Co. 3. Inst. 6.*

It hath been adjudged Treason to Prophesie when the Queen shall die, *William's Case, Roll. Rep. 2. 88. Vide Co. 3. Inst. 6.*

To say the Queen being excommunicated by the Pope, any Person may depose or kill her, and that it is no Murder, this is High Treason, *Owen's Case 13 Jac.*

To affirm the Queen to be a Heretick, Traytor or Usurper, was High Treason in 13 *Eliz. cap. 1. or so it is to Arrest or Imprison, Roll. Rep. 2. 89.*

It is also High Treason to deflower the King's Wife his eldest Daughter being unmarried, or his eldest Son and Heirs Wife.

To levy War against the Queen in her own Realm is High Treason, and so it is to conspire in order to it.

To practise with the Governor of any County to invade this Realm is High Treason, though it be not put in ure, *Dyer 298. b. Dr. Story's Case, Vide Camb. Eliz. An. 1571.*

To succour the Queen's Enemies, or adhere to them, aiding or giving them comfort within this Realm, or elsewhere, to be in Council with others to levy any Seditious Wars, every of these Acts are High Treason, *Bro. Treason 24.*

If a Subject go beyond the Seas and join with the Queen's Enemies and die, or be slain there, this seems to be Treason, and an Attainder in Law without any more, &c. *8 Ed. 3. Fitz. Dower 106.* So of Subjects within the Realm joining in Battle with the Queen's Enemies and be slain, *Plow. 162. a. 163. a.*

An Alien Enemy cannot be indicted of High Treason, but an Alien Friend may, *Bro. Treason. 1.*

To counterfeit the Queen's Great Seal, or Privy Seal is High Treason; by *25 Eliz. 3. cap. 2.* to counterfeit the Sign Manual, or Privy Signet is High Treason by *1 Mar. Sess. 2. cap. 6.*

And the counterfeiting the Queen's Coin is High Treason, and the Justices of the Peace may enquire thereof, and make out Process by Enquiry only against those that are indicted before them.

To counterfeit the Coin of another Realm made current here by the Queen's Proclamation, Act of Parliament or Permission is, High Treason, *1 M. cap. 6.*

To forge or counterfeit such Money as is not current within this Realm is misprision of Treason, *14 Eliz. cap. 3.*

To Clip, Wash, Round, File, Impair, Diminish, Lighten or Falsifie any Coin of this or any other Realm, allowed or suffered to be current within this Realm is Treason, *5 Eliz. cap. 11. 18 Eliz. cap. 1.*

To bring from beyond Sea into this Realm any other Foreign Coin made in another Realm like to the Coin of this Realm, or any other Foreign Coin made current in this Realm, knowing it to be false, with an intent to Merchandize with it is High Treason; but bringing of such Coin from *Ireland* is not Treason within this Act, *1 & 2 Ph. & M. cap. 11. Bro. Treason. 19.*

If one Coin Money by the Queen's Warrant, and make it less in Weight than the ancient Ordinance, or Coin false Metal, is Treason, *Bro. Treason 19.*

It seems that to Coin Fathings is no Treason, by Sir Francis Harvey at Cambridge Affizes, 1631. *Dalt. cap. 101.*

To utter false Money made within this Realm, or any other the Queens Dominions, knowing thereof, is misprision of Treason, *Hales P. C. 20.*

To kill the Queen's Chancellor, Treasurer, Justices of either Bench, Justices in *Eire*, Justices of *Affize*, or of Oyer and *Terminer*, being executing their Offices, is High Treason, 25 *E. 3. 2.*

All Acts whereby any Offence is made Treason, Petty Treason, or Misprision of Treason (excepting what is declared Treason, &c. by 25 *Ed. 3.*) are repealed by 1 *M. Seff. 1. cap. 1.*

In Treason there is no Accessories either before or after the Fact.

To conceal High Treason is misprision of Treason, 1 *E. 6. cap. 12. §. 20. Co. 3 Inst. cap. 3.*

It is Treason to set at large unlawfully any Persons committed to Prison for Treason, *Bro. Treason 11.*

If two or more conspire to commit Treason, and one of them execute it, this is Treason in them all.

Any Persons maintaining or extolling the Authority of the Church of *Rome* within any the Queen's Dominions, the Procurers, Counsellors, Aiders or Maintainers shall for the first Offence forfeit all his Goods and Chattels, and for the second Offence incur the danger of a *Prepunire*; and for the third Offence of High Treason, 1 *Eliz. cap. 1. §. 27.* All these following Offenders are within the same danger, *viz.* such as bring over any Books that shall set forth, maintain or defend any such Authority, Readers and Bearers of them, that shall justifie them, such as shall deliver any such Books to others with allowance and liking of the same; and also the Printers and Utterers of them within this Realm, *Dyer 282. See also 5 Eliz. cap. 1. §. 2. 10.*

The refusal of the Oath of Supremacy, after lawful tender, the first Offence is *Prepunire*, the second High Treason, 5 *Eliz. cap. 1. §. 8. 11.*

The Justices of the Peace in the Quarter Sessions may enquire of all things done against 5 *Eliz. cap. 1.* as Offences against the Peace, and ought to certifie (under the penalty of 100 *l.*) such Presentment into the *Queen's Bench* within forty Days after, &c. if in Term-time, and if not, the first Day of the next Term, *Ibid. §. 3. 2.*

The second refusal of the Oath of Allegiance being hundred according to the Act is a *Premunire*, 7 *Jac. cap. 6.*

26. 3 *Jac. cap. 4. §. 14.*

One obtaining from *Rome*, and from any claiming authority from thence any Bull or Writing, and to solve and reconcile, &c. such as shall forsake their due Allegiance to the Queen, &c. or to give or take Absolution by colour of any such Bull, or to grant or promise any such Absolution, &c. or use or publish such Bull, &c. shall be High Treason, 13 *Eliz. cap. 2. §. 2, 3.* *Jac. cap. 4. §. 22.*

To conceal such Bull, Writing or Absolution offered, &c. and not to disclose to some of the Privy Council within six Weeks after, shall be deemed misprision of treason, *Ibid. §. 5.*

Or here to withdraw any the Queens Subject's from their Obedience, &c. is High Treason, and to be willingly absolved, withdrawn, &c. is Treason, See 23 *El. p. 1. §. 2.*

If any Jesuit, Priest born, &c. within any of the Queen's Dominions, come in, to be, or remain in any of the Queen's Dominions is High Treason, 27 *Eliz. p. 2. §. 3.*

If any of the Queen's Subjects (not being Jesuits or ecclesiastical) being brought up in any *Seminary* beyond Sea, shall not within six Months (after Proclamation made at *London* in that behalf) return into this Realm, and within two days after such (before the Bishop of the Diocese, or two Justices of the Peace of the County where he shall arrive) take the Oath of Supremacy, &c. every Person coming otherwise into any of the Queen's Dominions shall be adjudged a Traitor, 27 *Eliz. cap. 2.*

5. To send any relief, &c. to any Jesuit or Priest, &c. residing in any *Seminary* beyond Sea is a *Premunire*, *Ibid.*

6. To bring into the Realm any *Agnus Dei*, Crosses, &c. consecrated by the Popes Authority, or offer or deliver them to any of the Queen's Subjects, is a *Premunire*, both in the Giver and Receiver; if he doth not apprehend the Party offering, and bring to the next Justice of Peace, or within three Days disclose his Name, and place of Abode to the Ordinary, or some Justice of the Peace of the County, &c. and such Justice within fourteen Days must disclose the same to one of the Privy Council,

Council under pain of a *Premunire*, 13 *Eliz. cap.* §. 7, 8.

By the Statute of 9 *W. 3. cap. 1.* If any of his Majesty's Subjects, who since 11 *Decemb. 1688.* have voluntarily gone into *France* without Licence, or have during the late War born Arms in the Service of the *French King*, or since 13 *Feb. 1688.* in the Service of the late King *James*, shall at any time after 14 *Jan. 1697.* return into *England* or any of his Majesty's Dominions without Licence under the Privy Seal, it shall be High Treason.

So, to hold any Correspondence (without Licence by Letters or otherwise, with the late King *James*, in order to give him any Aid or Assistance, or any Persons imployed by him (knowing the same) or without Licence, to remit or pay any Money for his use, knowing the same to be for his use.

These Offences committed out of the Realm, may be laid and tried in any County here.

If any Person such as above first described, hath returned into this Realm without Licence, such Person shall depart the Realm on or before the 1 of *Feb. 1697.* or be guilty of High Treason, unless such Person can obtain before the said 1 of *Feb.* Licence for his or her stay: And if after such Person return into this Realm without Licence, it shall be High Treason.

Every Person who shall accept, after the 6 of *Jan. 1697.* any Charter of Pardon, or Grant, &c. from the late King *James* shall be guilty of High Treason. And who hath since the 11 of *Dec. 1688.* accepted any such Pardon or Grant shall before the 13 of *Feb. 1697.* deliver the same to the King in Council, or to a Secretary of State, or be guilty of High Treason, *Ibid.*

By the Statute of 3 & 4 *An. cap. 14.* It is declared and enacted, That after the 25 of *March 1705* during the continuance of this present War, for any Person to send, Load, Transport or Deliver, or cause to be sent &c. for the use of the *French King*, or any of his Subjects in his Dominions, any Arms, Ordinance, Powder, Bullets, Pitch, Tar, Hemp, Masts, Cordage, Iron or Salt Petre, it shall be High Treason.

So for any of her Majesty's Subjects who since the fourth of *May* in the first Year of her Reign, have voluntarily gone into *France*, or any of the *French King's* Dominions in *Europe* without Licence, or who have

at any time since the said fourth of *May* born Arms in the Service of the *French* King by Sea or Land, and shall at any time after the twenty fifth of *March* 1705. return into *England*, or any of the Queen's Dominions without Licence, every such Person shall be guilty of High Treason.

And every Person who since the said fourth of *May* shall go into *France*, or serve as abovesaid, and hath returned into this Realm without Licence, shall depart this Realm before the first of *May* 1705. (unless licensed to stay) and if he doth not depart, or return without Licence, this is declared High Treason.

To embark voluntarily in any Vessel after the twenty fifth of *March*, 1705. with intent to go into *France*, or any of the *French* King's Dominions without Licence, shall also be declared High Treason during the present War.

And every of such Offences may be alledged, laid, required of, and tried in any County of this Realm.

All Persons prosecuted for any thing made and declared Treason by this Act, shall have the benefit of the Act of Parliament of the seventh Year of *W.* 3. *For regulating Trials in Cases of Treason, &c.*

By the Statute of 4 & 5 *An. cap* 8. If any Person after the 25 of *March* 1706. shall maliciously, advisedly, and directly, by writing or printing declare, maintain and affirm, that the Queen that now is, is not lawful and rightful Queen of these Realms, or that the pretended Prince of *Wales*, who styles himself King of *England* by the name of *James* the Third, hath any Right or Title to the Crown of these Realms, or that any other Person hath otherwise than according to the Acts made 1 *W. & M.* and the 12 *W.* 3. or that the Kings or Queens of *England*, with, and by the Authority of the Parliament of *England* are not able to make Laws and Statutes of sufficient force and validity to limit and bind the Crown of this Realm, and the Decent, Limitation, Inheritance and Government thereof, every such Person shall be guilty of High Treason.

And for any Person to declare, maintain and affirm the said matters maliciously and directly by Preaching, Teaching and advised Speaking, every such Person being thereof lawfully convicted, shall incur the Danger and Penalty of *Premunire*.

None shall be prosecuted upon this Act for Words spoken unless Information thereof be given upon Oath to one or more Justice of Peace within three Days after the Words spoken, and the Prosecution within three Months after, and no Petty Treason Convicted but by two Witnesses.

Petty Treason is when a wilful Murder is committed upon a Subject, to whom the Murderer oweth obedience, as if a Servant (though but of thirteen Years of Age) kill his Master or Mistress, this is Petty Treason, *Stat. 10. 11 Co. 34. Bro. Treason 8.*

If a Servant kill his Master a twelve Month after he is departed from his Service, this is Petty Treason, done upon Malice conceived against him when he was his Servant, *3 Inst. 20.*

If a Servant procure another to kill his Master, who does it in his presence, this is Petty Treason in the Servant, and Murder in the other; but if killed in his absence, then the Servant is only Accessory to the Murder.

If the Servant command one to beat his Master, and he kills him, this is Petty Treason in the Servant done in his presence, *Crompt. 20.*

A Servant upon Malice premeditated shoots at another, and missing, by chance kills his Master standing by, this is Petty Treason in the Servant.

If the Wife maliciously kill her Husband, this is Petty Treason; so if she and a Servant conspire to kill him, and the Servant does it in her absence, it is Petty Treason in them both: But if it had been so done by a Stranger, she should have been only Accessory to the Murder, *Dalt. cap. 103.*

The Wife lays a poisoned Apple in a place on purpose to poison another, and her Husband takes it by chance, and eats and dieth of it within the Year and Day, this is Petty Treason in the Wife, for she intended Murder, *Ibid.*

A Child kills his Father or Mother, this is Petty Treason, though they gave him neither Meat, Drink nor Wages, *Bacon 53. Quer. 3 Inst. 20.*

A Bastard killeth his Mother, this seemeth to be Petty Treason, *Crompt. 21.*

The Son or Daughter-in-Law killeth the Father or Mother-in-Law with whom they dwell, or receive Meat or Drink, but no Wages, this is Petty Treason, but the Indictment shall be in the Name of a Servant, *Dalt. cap. 103.*

It is Petty Treason in an Ecclesiastical Person that kills his Ordinary, 19 H. 6. 47. *Bro. Treason* 9.

Note, There can be no Petty Treason but where it includes a wilful Murder: As if the Servant should kill his Master upon a suddain falling out without, Mice precedent, or by Misadventure, or *se defenso*, this is no Petty Treason; so of the Wife or Child, *Dr. cap* 103.

The Judgment in Petty Treason, for a Man is, to be down and hanged; for a Woman to be burnt alive.

For Petty Treason the Offender shall forfeit his Goods and Chattels, and the Queen shall have the Year, Day and Waste, and the Lord of the Fee shall have the Escheat.

The Justice of Peace may enquire of Petty Treason, as of Felony, and out of Sessions, may deal with the Offender (as with other Felonies) by taking Examination, &c.

All Treason includes Felony; if the Indictment therefore want (*proditorie*) a Pardon of all Felonies discharges *1 Co. Pl. Coron.* 3 *Inst.* 15.

Misprision.

Misprision is when one knoweth that another hath committed, or is about to commit Treason or Felony, and was not consenting thereunto, and will not discover it to the King or his Council, or to some Magistrate, but conceal the Offence, *Stamf.* 37. *Stat.* 5 *Ed.* 6. *b.* 11. §. 7.

The punishment of Misprision of Treason, is a perpetual Imprisonment, Forfeiture of his Goods and Chattels, and the Profits of his Estate, Lands during his life to the Queen. But for misprision of Felony the punishment is only Fine and Imprisonment, *Hales P. C.* 8, 129.

The Queen may cause one that hath committed Treason or Felony to be indicted only of Misprision, for every Treason or Felony doth include misprision, *Stamf.* 37. *Cromp.* 41.

Compounding of a Felony is a misprision of it, *Stamf.* 37. *b.*

Crimal.

Trial.

THE most solemn and ancient Trial of Matters of Fact in this Nation is by a Jury of twelve Men and this is called in (*Magna Charta*, c. 29.) *legale judicium*.

This ancient Right was very much altered by 11 H. 6. c. 3. which gave full power to the Justices of Peace upon Information for the King to hear and determine all Offences against Penal Statutes by their own discretion; but the mischief hereof appearing every day more and more than other, 'tis repealed, 1 H. 8. cap. 6. and for those who had been too busie in the execution of the same, 1 H. 8. cap. 12. their Heads for it. *Vid. Co. 4 Inst. 40, 41.*

Thus you see the Trial by the Country is revived; and yet in some cases of lesser moment, other ways have been sometimes appointed by Act of Parliament, as

That Justices may examine the Offenders against the Statutes of Liveries; and thereupon convince them fully as if they were convicted by Enquest, 8 H. 6. cap. 8 Ed. 4. cap. 2.

The like course may be taken with persons suspected to keep Deer-Hays, and Buck-Stalls, &c. by 19 H. 7. c. 1. and in some other Cases.

In some Cases the Justices may Convict the Offender by the Examination of Witnesses, as on the Statute 33 H. 8. c. 1. for carrying Counterfeit Letters and false Tokens; and upon the Statute 11 H. 7. c. 17. for taking Hawks Eggs and Swans Eggs. So on the Statute 43 Ed. 6. cap. 6.

If the Prisoner will demur in Law, upon the Evidence the Justices ought to Record it, that it may be argued *Fitz. Emdit. 27.*

Felons for Forgery, by 5 Eliz. cap. 14. after a former Conviction, cannot be tried by Justices of Peace; but by the same Law (as it seems) of a Servant taking his Masters Goods after his Death, because they cannot take notice of his default in the *King's-Bench*, 33 H. 6. cap. 1. §. 1. So likewise for Imbezelling the Records in any Court *Westminster*, 8 H. 6. cap. 12. Nor of such as are Indicted of Felony before the Coroners, Justices of Gaol-delivery and of *Oyer and Terminer*.

If any person shall commit an Offence in Scotland, which by the Laws of England is, or shall be declared to be Treason, Murder, &c. and shall be apprehended in the Counties of Northumberland, Cumberland, &c. the Justices of Peace in their Quarter Sessions, or any four of them upon due Examination, and pregnant Proofs, by Warrant under their Hands and Seals shall remand and send back such Offender into Scotland, there to receive his Trial, &c. 7 Jac. c. 1. §. 3.

A Scotchman shall be tried by a Jury of Englishmen, and not by an Enquest *de medietate lingue*, and this at Common Law, for he is reputed a Subject and not an Alien, Dr 304.

The Trial of an Offender ought regularly to be in the County where the Offence was committed, unless it be otherwise provided by Statute, as by 1 & 2 Ph. & M. c. 4. §. 3. and by some others.

But if one steal Goods in the County of A. and carry them with him into the County of B. and be there apprehended, he shall be tried and punished for the same in the County where he is apprehended.

Trial shall be passed as soon as may be with convenience, especially where the Offender stands committed for want of Bail, or because he is notailable by Law, and this *in favorem libertatis*, and therefore 'tis usual in such Cases to indict and try a person the same Sessions, unless the Offender require longer time to be advised, or for his Witnesses, &c. But it hath been held formerly, that where one is indicted for breach of a Penal Statute, or for a Nuisance, or other Misdemeanor, under Felony, he cannot be tried the same Sessions, otherwise of Justices of Gaol-delivery. But now the Law is held the same in both cases.

By the Statute of 22 H. 8. c. 14. which is made perpetual by 32 H. 8. c. 3. the Trial of the party indicted shall be in the County where he is indicted for Murder or Felony, notwithstanding any Foreign Plea.

See the Statute of 3 H. 7. c. 1. That Justices of Peace may take an Inquisition within the year and day after an Offence committed, to enquire of the Concealment thereof by former Enquest taken before them.

You cannot indict and try the same Sessions, unless by consent of Parties, unless in Cases Capital, Jones 379. C. Car. 438, 448. 2 Roll. Abr. 625. 1 Sid. 99, 335. Vid. 3 Inst. 164.

By the Statute of 7 W. 3. *cap.* 3. Where any person indicted for High Treason, whereby any Corruption of Blood may be made, or for Misprision of such Treason, several alterations are made from the Practice of former Times in such Trials, as, 1. The Prisoner shall have Copy of the whole Indictment, but not the Names of the Witnesses, at least five days before the Trial, his Attorney or Agent requiring the same, and paying reasonable Fees for Writing, not exceeding 5 s. 2. Such Prisoner shall be admitted to make his full Defence by Council Learned in the Law. 3. He shall be admitted to make any Proof by Lawful Witnesses, who shall then be upon Oath. 4. His Council assigned by the Court upon his request, not exceeding two, shall have free Access to him at all seasonable Hours. 5. No person shall be Attainted of High Treason, whereby Corruption of Blood is made, but by the Oaths of two Witnesses, either both to the same Overt Act, or one to one, and the other to another Overt Act of the same Treason, unless the Party confesses the same, stand mute, or challenge above thirty five of the Jury. 6. None shall be indicted of such Treason committed in *England*, unless the Indictment be found within three years after the Offence committed. 7. Persons so indicted shall have Copies of the Jurors who are to try them, two days at least before their Trial. 8. They shall have like Process to compel their Witnesses to appear for them, as is usually granted for Witnesses against them. 9. No Evidence shall be admitted of any Overt Act that is not expressly laid in the Indictment. 10. No Indictment, Process, or Return thereon, shall be quashed for miswriting, false, or improper Latin, unless Exception for the same be made before Evidence given; nor after Conviction, Judgment arrested for such Cause. This Act not to extend to any Impeachment or other Proceedings in Parliament, nor to any High Treason for Counterfeiting the Coin, the Great Seal, Privy Seal, Sign Manual, or Signet.

Wintners, Vide Wine.

Wages

Wages.

THE Rates of Wages both for Servants and Labourers are to be Assess'd by Justices of Peace at their Sessions after *Easter*, 1 Jac. 1. c. 6. and by 5 Eliz. cap. 4. §. 18. he that giveth greater Wages than shall be so assess'd, forfeits 5 l.

The Justices ought to certifie into *Chancery* their Rates of Wages made at *Easter*, though they then only continue the same that were the year before, *Dyer* 265. a. pl. 3. *Jenk.* 235. pl. 5.

Action of Debt for Wages lies against an Executor, where one is retained that is compellable to serve; and in an Action upon the Statute for Wages, a Master cannot wage his Law, *Moor* 698. 1 *Brownlow* 62. Co. Rep. 9. fol. 88.

Wales.

STat. 5 & 6 W. & M. cap. 4. *Whereas by a Statute made the 34th and 35th of H. 8. Entituled, An Act for certain Ordinances in the King's Majesties Dominion and Principality of Wales, there is a Clause contained in these Words, viz. That there shall not exceed the number of eight Justices of the Peace in any of the said Shires over and above the President, Council and Justices aforesaid, and the King's Attorney and Solicitor; which President, Council, Justices, and the King's Attorney and Solicitor shall be put in every Commission of Peace in every of the said twelve Shires. And whereas this Clause is found inconvenient, Be it Enacted, That the said Clause be repealed, and that it may be lawful to and for the King and Queen by Commission under the Great Seal to constitute, nominate and appoint any such numbers of persons to be Justices of Peace in any of the said Counties of Wales, as they shall think fitting, according to such ways and methods as are commonly used for the constituting, nominating and appointing of Justices of Peace for any County of England: And that the persons so constituted, nominated and appointed shall have Power and Authority to act and do any thing appertaining*

taining to the Office of a Justice of Peace, in as large and ample manner as any Justice of Peace within the Dominion of *Wales* might or ought to have done before the making of this Act, any Law, &c. to the contrary notwithstanding.

Warrants.

THE Precept or Warrant of a Justice of Peace by Word of Mouth is in some Cases as strong as his Precept in Writing, because he is a Justice of Record, *Lamb. 87.*

And therefore where a Riot is done in his presence, he may command the Rioter to be arrested, and find Sureties, 14 H. 7. c. 8, 9. *Dalt. c. 81.*

Soupon an Affray, Assault, Threatning or other Breach of the Peace done in his presence, he may command by word of mouth an Officer or his own Servant to arrest the Offender. For where it is done by the command of a Justice, it is his own Arrest, he being present both at the time of the Offence, and the executing of such Commandment, *Bro. Faux Impr. 33.*

But he may command Rioters to be arrested in his absence, 14 H. 7. 9, 10. *Dalt. c. 128.*

A Justice's Warrant in Writing ought to be made under his Hand and Seal. *Dalt. ibid.*

If it be such Warrant as requires the finding of Sureties, &c. the cause of the granting must be inserted in it, that so the party may provide them. *Dalt. c. 81.*

It is not safe for a Justice of Peace to grant blank Warrants, where he knows neither the Parties Name nor the Matter, and for so doing a Justice was fined, as Mr. *Crompt. Reports. Crompt. Jurisdic. of Courts, 34.*

The Warrant must express the year and day when it was made, and it is also requisite that the place be named, *Lamb. 90. 21 H. 7. 22.*

A Justice may make his Warrant to the Sheriff for bringing of a person the next Sessions to find Sureties for the Peace, &c. *Crompt. 135, 136.*

He may likewise grant his Warrant for a person to appear at the next Sessions to give Evidence for the Queen, and if he do not appear, a Precept shall go out from that Sessions to attach him for such Contempt, *Crompt. 123.*

A Justice may not grant his Warrant to attach persons suspected of Felony, &c. or Offenders upon a penal Statute, unless such person be first thereof indicted; for being Judge of Record, he ought to have some Record whereupon to ground his Process, 14 H. 8. c. 16. *Bro. Peace* 6. *Bro. Commission* 3. But the Practice is otherwise, *Dalt. c. 128. Vid. Lamb. 193.*

No Justice can grant a Warrant to break any Man's House to search for a Felon or stolen Goods, &c. for they are constituted by Act of Parliament, which gives no such Authority, *Co. 3 Inst. 176.*

A Justice may direct his Precept to the Sheriff Constable, or other Officer, or to any indifferent person whatsoever, 14 H. 8. 16. *Bro. Peace* 6.

A Warrant may be directed to an Officer and a private person jointly, and either of them may execute it, because 'tis for the Execution of Justice, and so for the publick Good, *Crompt. 147.*

If a Justice directs his Warrant to the Sheriff, he may by word only command his Under-Sheriff, Bailiff or known Officer to serve it, and a Servant of his own, by his command, may execute it, *Lamb. 91. Bro. Faux Imp. 43. Bro. Tres. 339.*

Note, Every person to whom a Warrant is directed ought to execute it with speed and secrecy.

Note also, That a sworn and known Officer need not shew his Warrant to the person upon whom he serves it; but if directed to a private person it must be shewed, if demanded, or else such person may make resistance, *Bro. Faux. Imp. 23.* and the Officer must declare the Contents of his Warrant, 9 Co. 68. b.

If a person say, I arrest you in the Queen's Name, &c. the party ought to obey him, though he know not whether he be an Officer, or no; and if it appear after that he was none, a false Imprisonment lies against him, but otherwise it is where the party knows that he is no Officer, 9 Co. 69.

If a Warrant is made to apprehend J. S. and there be several of the same Name, and he arrest the wrong person, for this he is liable to an Action of false Imprisonment. *Quære.*

If an Officer arrest a person for the Peace, &c. without any Warrant, and afterwards a Warrant thereof comes to his Hands; yet the Arrest was wrongful, and

he is subject to an Action of false Imprisonment, *Dyer* 244. *b. Lamb.* 93. See the Stat. 43 *Eliz.* c. 6.

If a Warrant be against J. S. the Son of W. S. and the Officer arrest J. S. the Son of T. S. though this be the Offender, yet it is false Imprisonment, 10 *Ed.* 4. 12. *Bro. Faux Imprisonment* 38.

If an Officer by Warrant arrest a Man, and let him go upon promise to appear, &c. though he appear not, the Officer cannot take him again by virtue of that Warrant, for it was once executed; but if the party had made his Escape, he might take him again upon fresh pursuit, though in another County, *Dalt. cap.* 128.

If a Justice grant a Warrant for a Matter whereof he hath a Jurisdiction, though beyond his Authority, it must be obeyed by the Officer, as to arrest one for the Peace or Good Behaviour, though there be no cause for it; but if a Justice grant a Warrant for a Matter whereof he hath no Conscience, the Officer ought not to obey it, and he is to take notice of it at his peril, 10 *Co.* 76. *Bro. Faux Imprisonment* 8 *Lamb.* 67, 94.

A Warrant to answer to such things as shall be objected against him is against Law, 2 *Inst.* 591. But must contain the Cause, *Ibid.* And a *Mittimus* must conclude, until he is delivered by due Order of Law, 2 *Inst.* 592.

A Justice of the Peace cannot command his Servant to arrest one in his absence without a Warrant in writing, 1 *Brownl.* 205.

If a Rate be unduly taxed, the Warrant of a Justice of Peace for the levying thereof will not excuse the Officer, *Cro. Car.* 395.

Where Sureties are to be required, the Warrant ought to contain the special Cause whereupon its granted, *Palm.* 558.

Where a Statute gives power to a Justice of Peace to require any person to take an Oath, the Law implicitly gives him power to make a Warrant to have the Body before him, 12 *Co.* 130.

A Warrant may be made to bring before a particular Justice, 5 *Co. Rep. fo.* 59. *Foster's Case.*

But if the Warrant be to bring before him or any other Justice, it is at the Election of the Officer to go to which Justice he will, *Ibid.*

If a Justice pursue not the Statute, there his Act is void, but if he pursue it, then neither *Queen's Bench* nor Justices of the Peace can discharge him, *Jones* 170.

One Justice cannot commit another Justice for breach of the Peace, but Sessions of the Peace may, *Jenk.* 174.

Justices not to Imprison but in the Common Gaol, *9 Co. Rep. fo. 119. b. 5 H. 4. cap. 10.*

Watch.

IN great Towns walled, the Gates shall be shut from Sun-setting until Sun-rising, and none shall lodge in the Suburbs, except his Host will answer for him, *Stat. Winch. 13 Edw. 1. cap. 4.*

Every Justice may cause Night-watch to be duly kept for the arresting of persons suspected, and Night-walkers of evil Fame or Behaviour, and that by the first *Assignavimus* in his Commission. This Watch must be kept in every Town, from Sun-rising to Sun-setting from the Feast of the Ascension until *Michaelmas*, *Lamb.* 190. See what the Duty of a Watchman is, *Tit. Arrest, Ibid.*

1. No Man is compellable to Watch except he be an Inhabitant in Town, *3 Leon. 208. Cro. Eliz. 204.*

2. Such Inhabitants are not to watch as the Constable shall direct, but according to usage, for the Statute of *Winchester* is express, that Watches shall be kept as hath been used in time past, which is commonly by the House.

3. If a Person who ought to watch, being commanded so to do by the Constable, shall refuse, he may set him in the Stocks; yet *Quare*, or the Constable may present him at the Assize or Sessions, or complain of him to a Justice, who shall bind him to the Sessions, *3 Leon. 208. Cro. Eliz. 204.*

Note, That Watching is properly for the Night, and Warding for the Day time, and both of them must be performed by Men of able Bodies and sufficiently weaponed.

Warding is for the apprehending of Rogues, and such evil Members, and therefore is of great use and must be left to the discretion of Constables and Justices

cess to appoint or alter it according to their discretion.

Watchmen may Arrest Night-walkers, Stat. Winch.

A Watch imposed by the *Queen's Bench*, and a Tax towards it in *Westminster*, and the Suburbs of *London*, 1 *Syderf.* 218.

Weavers.

NOne using the Trade of Cloth-making out of a City or Borough, &c. shall keep above one Loom in his Possession, or make Profit of setting and letting of a Loom, or forfeit 20 s. 2 & 3 *Ph. & M. cap. 11.*

No Woollen Weaver living out of a City, &c. shall keep above two Looms, or make profit by any other Loom, or forfeit 20 s. *Ibid.*

None using the Trade of a Weaver and not Cloth-making shall keep a Tucking-Mill, or use the Trade of Tucker, Fuller, or Dyer, or forfeit for every Week 20 s. *Ibid.*

No Fuller or Tucker shall keep a Loom or make profit thereby, or forfeit 20 s. for every Week, *Ibid.*

No Person shall use the Trade of a Weaver, &c. except he hath been an Apprentice, or used the Trade seven Years, 2, 3 *Ph. & Ma. cap. 11 §. 8.*

The Forfeitures shall go to the Queen and the Prosecutors.

No Woollen-Weaver living out of a City, &c. shall take any Apprentice, &c. except his own Son, or such a one whose Parent hath 3 l. *per annum* in Lands, and for every three Apprentices shall keep one Journey-man, 5 *Eliz. cap. 4. §. 32.*

Note, The Statute of 5 & 6 *W. & M. Sess. 2. cap. 3.* hath repealed that Clause of 5 *Eliz.* concerning the taking Apprentices in Woollen Manufactures.

Weights and Measures.

TWO Justices (*Quorum unus*) may hear and determine the faults of Officers in City, &c. who do not twice every Year examine all Weights and Measures within their Jurisdiction, and break and burn the defective, 11 H. 7. cap. 4. *Lamb.* 345.

Two Justices may determine the Faults of such as buy and sell by unlawful Weights and Measures, and may fine the Offenders, and issue Process against them as if indicted of Trespass, *Ibid.*

To buy by an heavier Weight and to sell by a lighter is abominable in the sight of God, *Deuteronomy*, cap. 25. *vers.* 13, 14, 15, 16.

By the Statute of *Magna Charta* cap. 25. there shall be but one Weight and one Measure of Corn, Wine, Beer and Ale, and one Yard throughout the Realm, See 16 Car. 1. cap. 19. whosoever shall keep or sell by any unlawful Weight, Measure or Yard shall forfeit 5 s. for every Offence, being convicted by one Witness before any Justice of Peace, &c. to the use of the Poor, and levied by Distress, &c.

It is now provided by 22 Car. 2. cap. 8. and 22 and 23 Car. 2. cap. 12. that all Salt and Grain be sold by *Winchester*-Measure, containing eight Gallons to the Bushel, and the Bushel to be striked to the brim by the Seller, on pain to forfeit 20 s. for every Offence.

If a Mayor, &c. shall willingly permit, &c. any other Measure to be used, or otherwise upon complaint, shall not duly punish and reform the same, shall forfeit 5 l. to the Poor and Informer, to be levied by Distress, &c. 22 Car. 2. cap. 8.

Clerk of the Market neglecting to seal shall forfeit for the first Offence 5 l. for the second 10 l. and his Fee of sealing shall be but 1 d. only, *Ibid.* §. 4.

Buyers of Corn in Markets by the Bag or unmeasured, being thereto required, shall forfeit the value, 22, 23 Car. 2. cap. 12.

Upon Complaint hereof the Defendant shall prove that he bought the Corn according to the Statute, such as are to have the benefit of the Market ought to seal. Rent Corn, &c. shall be paid by such Measure as formerly, *Ibid.*

A Clause in the Statute of 16 Car. 1. cap. 19. touching Water-Measure is repealed, 22 Car. 2. cap. 8. §. 2.

But by a late Act, 1 An. Sess. 1. cap. 9. The Water-Measure of Fruit is established and ascertainment, viz. to be round, 18 Inches and a half Diameter, and 8 Inches deep; every measure of Apples and Pears to be heaped as usually; and whoever sells or buys by any other Measure (except in London, and three Miles distance) shall forfeit for every offence 10 s. to the Informer and Poor of the Parish, being convicted by Oath of one Witness before any Justice of Peace, &c.

The Clerk of the Market of the King's Household and of the Duke of Cornwall shall execute their Office within the Verge only, and Mayors, &c. within their Liberties, 16 Car. cap. 19.

Clerk of the Market not sealing such Weights, &c. as are according to their Standard, and that for their usual Fees, shall forfeit 5 l. if they by colour of their Office shall take any other Reward, &c. Or shall set any Fine, &c. or shall otherwise misdemean themselves, they shall forfeit 5 l. for the first Offence, 10 l. for the second, and 20 l. for every further Offence, *Ibid.* §. 5.

Notwithstanding there always hath been, and still are two kind of Weights in England, and warranted by Law, Troy Weight and Averdupois.

First, Troy Weight, and hereby are weighed Gold, Silver, Pearl, Precious Stones, Silks, Electuaries, Bread, Wheat and Grain; and containeth to the pound twelve Ounces (or twenty Shillings Sterling Weight) and no more; it is called *Libra medica*, or *Libra Trojana*.

Secondly, Averdupois Weight, This is by Custom, yet confirmed by the Statute of 27 Ed. 3. Sess. 2. cap. 10. and hereby are weighed all Grocery Wares, Drugs, Butter, Cheese, Flesh, Wax, Pitch, Tar, Tallow, Wool, Hemp, Flax, Iron, Steel, Lead, and as it seems all Commodities not before named; especially things that are to be garbled, and whereof comes refuse; this is called *Libra Civilis*, and hath sixteen Ounces; (or twenty five Shillings Sterling Weight) to the Pound; and to every Hundred is allowed twelve pounds, so that 112 pounds makes a hundred Weight, &c.

Measure of Corn according to Averdupois Weight.

<i>Averdupois Weight</i>	14 Ounces and an half and two peny Weight Troy, do make 16 Ounces <i>Averdupois</i> .	
	7 { Pounds or Pints }	<i>Averdupois</i> make the Gallon.
	14 { Pounds or Pints }	<i>Averdupois</i> make the Peck.
	56 { Pounds or Pints }	<i>Averdupois</i> make the Bushel.

Measure of Grain according to Troy Weight.

For Troy Weight See Stat. 12 H. 7. cap. 5.	Thirty two Wheat Corns taken in the midft of the Ear weigh } Troy Weight one penny Sterling.	
	Twenty Pence Sterling make the Ounce Troy	
	Twelve Ounces make in	} Weight one pound Troy. Measure one Pint.
	Two Pints or Pounds make the Quart. Two Quarts make the Pottle.	
	Eight Pints Four Quarts Two Pottles	} make the Gallon.
	Eight Quarts make the Peck.	

	Sixty four Pints Thirty two Quarts Eighty Gallons Four Pecks	} make the Bushel or Firkin.
	Sixteen Gallons. Two Firkins.	} make the { Kilderkin. Half Barrel, Rondlet.
Troy Weight	Two hundred fifty six Pints One hundred twenty eight Quarts Thirty two Gallons Four Firkins Two Kilderkins Four Bushels	} make the { Coomb or Barrel.
	Five hundred and twelve Pints. Two hundred fifty six Quarts Sixty four Gallons Eight Firkins Four Kilderkins Two Barrels Eight Bushels	} make the { Quarter or Hogshead
So the	Pint and Pound Firkin and Bushel Barrel and Coomb Hogshead and Quarter	} are of like content.

The Bushel must contain eight Gallons or Sixty four Pounds or Pints of Wheat, 37 Ed. 1. 12 H. 7. cap. 5.

Eight Bushels stricken make a Quarter of Corn, 21 H. 7. cap. 4. 25 Ed. 3. Stat. 5. cap. 10.

The Clerk of the Market must carry with him all Weights and Measures signed according to the Standard, and ought to have his directions with him out of the Exchequer, and one Justice at the least ought to sit with him to see that the Queen's Subjects be not wronged, 16 R. 2. cap. 3.

It was resolved by all the Justices, *M. 39* and *40 Eliz.* That if the Clerk of the Market take any Fee for examining or viewing only, and not finding defect, nor sealing, the same is Extortion, *Moor Rep. 523.*

For the Assize of Bread take these few Observations following, and for your fuller Information see the book made for the Assize thereof.

1. *Note,* That all sorts of Bread must be weighed by *tray Weight.*

2. *Post septem dies Panis non penderetur.*

3. The Baker shall sell to Victuallers, &c. thirteen penny worth of Bread for twelve pence both of Man's Bread and Horse-Bread.

4. Every Baker shall have a Mark upon his own Bread.

5. Every sort of Bread shall be weighed according to the price of the middle sort of Corn.

6. None shall be a Common Baker except he hath been an Apprentice seven Years to the Trade.

7. He ought to make three sorts of Bread for the Subjects, *viz.* White Breads, Wheaten and Brown Bread, besides Horse-Bread.

8. The Bakers of Cities and Towns Corporate shall have 6 *s.* allowance for baking of every Quarter of Wheat over and above the second price of Wheat in the Market.

9. Bakers inhabiting out of Cities, shall have 4 *s.* allowance for their Charges in baking every Quarter, &c.

10. Foreigners shall weigh six Ounces in the penny Loaf more than the Town-sellers, for that they bear not such Scot and Lot as others do.

11. Three Horse-Loaves shall be sold by the Baker for a penny, thirteen pence for twelve pence, and every of these Loaves shall weigh the full Weight of a penny white Loaf whatever be the price of Wheat, *Dalt. ap. 76.*

If a Baker offend he shall go to the Pillory, and the Brewer to the Tumbrel, (now called the Cucking-stool, *Lamb. 62. 51 H. 3. St. 5.*

And therefore within every Leet or Market there ought to be a Pillory and Tumbrel to punish the Offenders, *F. ab Leet 12.* and for want thereof the Lord of the Leet or Market shall make Fine to the Queen, *Cro. Eliz. 698.*

They

They which have the Correction of the Assize of Bread and Beer, if they have not a Pillory and Tumbrel, shall forfeit the Franchise, *Cro.* 148.

If the Steward of a Leet shall take Money of an Offender in the Assize of Bread or Ale, to spare the punishment of the Tumbrel, the Leet shall be seized into the Queens Hands, *Crompt.* 181.

The Millers Toll-dish ought likewise to be according to the Standard: Millers ought to take their Toll but the Twentieth part or Twenty fourth part according to the strength of their Water, *Stat. incert. Temp. Keb. Stat.* 85.

In some places the Miller claims the Sixteenth part, as by the Custom of the place, *tamen Quare, Dalt. cap.* 76.

The Miller ought to take but One Quart for grinding one Bushel of hard Corn, and if he fetch and carry back the Grist to the Owner, he may take Two Quarts. Now by hard Corn is intended Wheat, Rye and Meslin, and for Mault he shall take but half so much Toll as he takes for hard Corn, for Mault is more easily ground; but if he fetch and carry back the Mault he shall have double Toll, *Crompt. Jurisd. of Co.* 221, 224.

Millers are not to be Common Buyers of Corn, to sell the same in Corn or Mault, *Dalt. cap.* 76.

Measure of Wine, Beer and Ale, &c.

Wine Oyl and Hony	{ their Measures are all one	Ronlet,	18	} Gallons.
		Barrel,	32	
		Hogshead,	63	
		Pipe,	126	
		Tun,	252	

Yet for Hony the Assize is altered to Thirty two Wine Gallons the Barrel, Sixteen Gallons the Kilderkin, &c. 23 *Eliz. cap.* 8.

Beer, the Measure thereof is as fol- loweth, <i>sc.</i> the	{ Firkin, Kilderkin, Barrel,	9	} Gallons.
		18	
		36	

And

And so Beer-Measure containeth in the Barrel four Gallons more than Wine, or any other Vessel.

Ale, the Measure there-
of is as followeth, *sc.* { Firkin, 8 }
the { Kilderkin, 16 } Gallons.
{ Barrel, 32 }

For the Measures to be observed by Retailers of Ale and Beer, *Vid. sup. Tit. Alehouses.*

No Cooper shall make any other Vessel for Beer, or Ale, to be sold within this Realm of any greater or lesser number of Gallons than is aforesaid, unless he shall cause to be marked upon every such Vessel (of greater or lesser number of Gallons) the true and certain number, how many Gallons every such Vessel shall contain, 23 H. 8. c. 4. §. 2.

No Brewer shall put any Beer or Ale (to be spent in this Realm) in any other Vessel than as aforesaid, and every of them must contain as many Gallons as aforesaid, *Ibid.* §. 4.

The Wardens of Coopers in all Cities, &c. where there be such Wardens, and in all other Towns or Boroughs, the Mayor, Sheriff, Bailiff, Constable, or other Head-Officer, may search and gage all such Vessels, &c. whether they be of such sizes as aforesaid, and if they find any Vessel defective, they may mark or amend the same, or else cause the same to be burned, *Ibid.* §. 7.

The Barrel, half Barrel and Firkin of Soap, shall be of the same Content and Measure that Ale, *viz.* one Barrel to contain thirty two Gallons or above, and the empty Vessels not to weigh above twenty six pounds, the empty Firkin not to weigh above six pounds and an half, and to contain eight Gallons at least. *Ibid.* §. 6.

By what Weight and Measure Butter shall be sold, see the Stat. 14 Car. 2. c. 26.

A Weigh of Cheese must contain thirty two Cloves, every Clove eight pound of *Averdupois* Weight. *Dalt. cap. 76.*

Every pound of Beef and other Flesh must contain sixteen ounces *Averdupois*, and eight of such pounds make a Stone, except the Usage of the Country be larger.

Barrels of Herrings shall be of the same content that that Ale is of, 11 H. 7. c. 23. 13 Eliz. c. 11. §. 5.

Herrings

Herrings also may be sold by tale, *sc.* six score being the hundred, ten hundred to the thousand, and ten thousand to the last, 31 *Ed. 3. Stat. 2. cap. 1.*

For contents of Vessels for Salmon and Eels, *Vide Stat. 11 H. 7. cap. 23.*

Fourteen pound weight of Wooll goes to the Stone, twenty eight pounds makes a Tod, and twenty six Stones goeth to the Sack, 11 *H. 7. cap. 4.* A Weigh, half Sack.

Twenty pound weight of Hemp maketh a Stone, *H. 8. c. 12. §. 4.*

Eight pound of Sugar, Spice and Wax, maketh the Stone, and thirteen Stone and a half maketh the hundred *Rastal weight 8.*

Of Hops five score and twelve pounds make the hundred.

For weight of Lead, see *Rastal weights 8.* and there also for the contents of Iron, Glasse, Linnen-Cloth, &c.

All other Commodities of tale or number are to be sold by the hundred.

Cattle and Fish are sold six score to the hundred, on hard Fish must contain eight score.

All headed Things, as Nails, Pins, &c. must be sold six score to the hundred.

All other Things whatsoever have but five score to the hundred.

A Sack of Coal is now three, (formerly four) Bushels. Now for the assise of Coal, Talewood, Billet and Faggots. See the Statute of 7 *Ed. 6. c. 7.* 43 *Eliz. c. 14.* 16 *Car. 2. c. 2.* 2 *W. & M. Sess. 2. c. 7.*

Timber well hewed and squared, fifty foot of it makes a Load.

Lath contains five foot in length; two inches in breadth, and half an inch in thickness.

Six score Tiles go to a hundred; for the assise thereof see 17 *Ed. 4. c. 4.*

Ten Ream make a Bale of Paper, a Ream is twenty Quire, a Quire is twenty four Sheets.

A Roll of Parchment is five Dozen, or sixty Skins.

Three Barley Corns measured from end to end, and four in thickness, make an Inch.

Four inches make an handful, 27 *H. 8. c. 6. §. 2.*

Twelve inches go to a foot.

Three foot to a yard.

Three foot nine inches to an ell.

Five foot make a geometrical pace.

Six foot make a fathom.

Five yards and half (which is sixteen foot and an half) make a pole, rood or perch.

And yet the Pole varies by usage in many Countries, some 'tis eighteen foot, in some one and twenty foot, some twenty four foot; and if a Man sell Land by the acre, it shall be measured according to the usage of the place, and not according to the Statute, 6 Co. 67. *Crompt. v. des Courts*, f. 23, & 222.

Forty Pole in length make a Furlong, eight Furlongs (or 320 Pole) make an *English* Mile.

Our *English* Miles contain two hundred and eighty foot more than the *Italian*, the *Italian* Mile being of a thousand paces, and five foot to a pace, so that it is in length one thousand foot, and our miles five thousand two hundred and eighty foot, which is one thousand seven hundred and sixty yards.

Forty foot in length and four foot in breadth (or a hundred and sixty pole) do make one Acre.

In the principal or Shire-Town, at least, there ought to be Standards of Brass for Weights and Measures, for the Bushel and Gallon, according to the Queen's standard, by the granting of which every Market-Town the same Shire ought to have their common Weights and Measures to be marked by him who keeps the Standard, 11 H. 7. c. 4. 12 H. 7. c. 5. upon pain of 5 l. to every City and Borough; and of 40 s. to every other town for default, See 11 H. 6. c. 8. 8 H. 6. c. 5.

And no person ought to buy or sell by any other weight or Measure, whether within a Market or without it, and the same shall be likewise sealed, or forfeit the Goods and two years Imprisonment, to be fined and consumed, and yield quadruple damages, *Crompt. 94.* 1 H. 7. c. 4. §. 8.

The Names of the Principal Towns in every Shire (or County) appointed to have the keeping of Standards for the Weights and Measures according to the Statute, 11 H. 7. cap. 4.

Bedfordshire, the Town of Bedford.
 Berkshire, the Town of Reading.
 Bristol, the same Town.
 Buckinghamshire, the Town of Buckingham.
 Cambridge, University of Cambridge.
 Cheshire, the City of Chester.
 Cornwall, the Town of Lustyohiel.
 Cumberland, the City of Carlisle.
 London, the same City.
 Middlesex, the City of Westminster.
 Norfolk, the City of Norwich.
 Northamptonshire, the Town of Northampton.
 Northumberland, the Town of Newcastle.
 Nottinghamshire, the Town of Nottingham.
 Oxfordshire, the University of Oxford.
 Derbyshire, the Town of Derby.
 Devonshire, the City of Exeter.
 Dorsetshire, the Town of Dorchester.
 Essex, the Town of Chelmsford.
 Gloucestershire, the Town of Gloucester.
 Hampshire, the City of Winchester.
 Hertfordshire, the Town of Hertford.
 Herefordshire, the Town of Hereford.
 Huntingdonshire, the Town of Huntingdon.
 Kent, the Town of Maidstone.
 Lancashire, the Town of Lancaster.
 Leicestershire, the Town of Leicester.
 Lincolnshire, the City of Lincoln.
 Rutlandshire, the Town of Uppingham.
 Shropshire, the Town of Shrewsbury.
 Cinque Ports, the Castle of Dover.
 Staffordshire, the Town of Stafford.
 Somersetshire, the Town of Ilchester.
 Southampton, the same Town.
 Suffolk, St. Edmundsbury.
 Surrey, the Town of Guildford.

Suffex, the Town of *Lewes*.
Warwickshire, the Town of *Coventry*.
Westmorland, the Town of *Appulby*.
Wiltshire, the City of *Salisbury*.
Worcestershire, the City of *Worcester*.
Yorkshire, the City of *York*.
 Statute of 11 H 7.

Wine.

NONE to sell or demand a greater price for any French Wine, or Wines so reputed, or other Wine mixed with French Wines, than 6d. the Quart and no more, and so proportionably for a greater or lesser quantity upon Penalty of 5 l. for the first Offence, and 10 l. the second Offence, and every other Offence, to be recovered by Bill, Plaint, or Information, 1 W. & M. cap. 34.

None shall sell or utter by Retail, in or by any Glass-Bottle or Bottles, or in or by any other Retail Measure not made of Pewter, and sealed according to Law, any kind of Wine or Wines whatsoever, or any other Liquor exposed to sale for Wine, or shall sell the same at a greater price than by the aforementioned Act is appointed, and if any shall be convicted thereof by the Confession of the Party, or by the Oath of two credible Witnesses before a Justice of Peace of the County within thirty days, he shall pay 50 s. for every Offence upon demand, if not paid, to be levied by Distress by a Warrant, of the Justice before whom such Conviction shall be made, rendering the over-plus; for want of Distress to be committed to Gaol without Bail until he pay the Money and Penalty, and all necessary Costs and Charges of Conviction and Prosecution, the Costs to be taxed by the Justice or Justices before whom the said Conviction was made, 2 W. & M. Sess. 2. c. 14.

An Offender punished by this Act, not to be punished by any other for the same Offence; no *Certiorari* to be granted or allowed. *Ibid.*

The next Justice may commit to prison such as shall beat or abuse the Officers or Informers, such as shall act in their behalf, &c. by this or the first Act, to remain till next Quarter Sessions; the Sessions may punish the Offenders by Fine not exceeding 5 l. and the Offender to remain

remain in Prison till he be discharged both of the Fine and Imprisonment by order of the said Justices, or any two of them. *Ibid.*

Witnesses.

Insufficient Witnesses are, one Convict of Perjury, Premunire, Forgery, *Stigmaticus*, or other Infamous Person, an Infidel. *Non Compos*, a Party, and regularly all those that lose their *Liberam legem*, a Wife neither for nor against her Husband. *Co. Lit. f. 6. b.*

So of one that hath been duly set in the Pillory. *Co. 3 Inst. 219 Hale P. C. 263. Levinz 3 Rep. 426.*

A party Outlawed (especially of Felony) is no *Legalis Testis*. *Trin. 32 Car. 2. B. R. in Cellier's Case. Vid. Co. Lit. fo 6. b.*

In an Information in the Crown-Office for a Riot two of the Defendants, no Witnesses appearing against them, were allowed and sworn as Witnesses in behalf of the other Defendants. *Sydersf. 237. The King and Bedder's Case.*

One Convict of Perjury can never be a Witness, tho he have a pardon, *Sydersf. 52.*

A Suborner of Perjury is for ever disabled of being a Witness, *Stat. 5 Eliz. c. 9. §. 5.*

Persons appearing as Witnesses on Behalf of the Prisoner upon Tryals for Treason or Felony, before they give Evidence shall take an Oath to depose the Truth, and if Convicted of wilful Perjury, shall suffer accordingly. *1 Ann. Sess. 2. c. 9.*

The End of the First Part.

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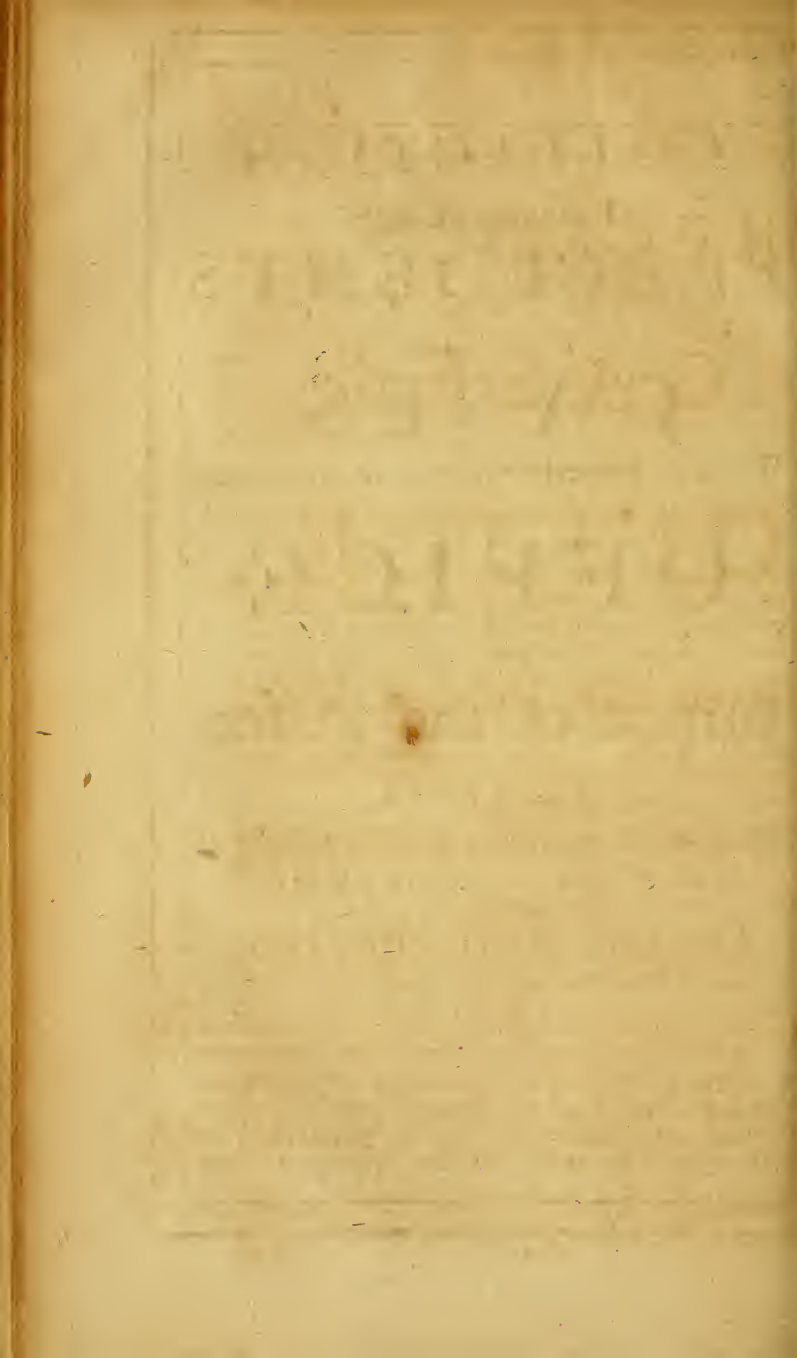
OFFICE
OF A
Justice of the Peace.

TOGETHER
With Indictments for not Repairing of
HIGHWAYS and BRIDGES.

Continued to this time.

PART II.

LONDON: Printed by the Assigns of *Richard and Edward Atkins, Esqs;* for *Isaac Cleave*, next to *Serjeants-Inn* in *Chancery-Lane*; and *W. Freeman*, at the *Bible* against the *Middle-Temple-Gate* in *Fleetstreet*. 1706.



PRECEDENTS IN ALL CASES

Relating to the

OFFICE OF A Justice of Peace, &c.

Part II.

Alehouse.

(1.) *A Licence to keep an Alehouse.*

T *Thomas Putt, Kt. and Will. Bragge Esq; two Justices 5 & 6 E. 6.*
of the Peace of our Sovereign Lady the Queen's *cap. 25.*
Majesty, in her Highnesses County of D. send 2 *Justices,*
greeting in our Lord God everlasting. Know ye, That 1 *of the*
we the said Justices, of good and credible report, to us *Quorum,*
made by divers credible and honest Persons, &c. That *may allow*
and *prohi-*
it selling Ale, Crompt. 198. 1 Bulst. 109. 3 Inst. 200, 201. 1 Jac. c. 9.
1 Jac. c. 4. 1 Car. 1. c. 4. 3 Car. 1. c. 3.

A a 2

J. W.

J. W. of, &c. is a Man meet to keep a common Alehouse in the House where he now dwelleth, have licensed allowed and admitted, and by these Presents do license allow and admit the said *J. W.* to keep a common Alehouse or Tipling-house at *L.* for one whole year next ensuing the date hereof, so that the said *J. W.* suffer not any unlawful Games to be used in his said House, nor any evil Rule or Order to be kept within the same during the time of his said License, for the using of which License accordingly, we have bound the said *J. W.* in 10*s.* and two other sufficient Sureties in 100*s.* a-piece by Recognizance to the Queen's Majesties use. In witness whereof we have hereunto set our Hands and Seals dated, &c.

(2) Recognizance with the Condition.

Memorandum, Quod primo die Septembris Anno Regni D. min. Annæ Dei Gratia Angliæ Scotiæ Franciæ & Hiberniæ Reg. Fidei Defensor, &c. quinto apud *L.* in Com. præ J. W. de, &c. C. D. de, &c. & E. F. de, &c. personaliter vener. coram nobis G. H. & J. K. Justiciariis dictæ Domin. Reg. ad Pacem in Com. præd. conservand. assign & recognoverunt se debere dictæ Domin. Reg. modo & forma sequen. viz. præ J. W. viginti libras legalis monetiæ Angliæ Et uterque præ C. D. & E. F. decem libras consimilis monetiæ seperalit. levand. de seperalibus bonis & catallis terris & tenementis suis ad op. & usum dictæ Domin. Reg. hered. & successor. suor. si deficeret in performance conditionis sequen.

5 & 6 E. 6. The Condition of this Recognizance is such : Where
cap. 25. as the within bounden *J. W.* is admitted and allowed by
Two Justices, one of the Quo- the within named *Thomas Putt* Kt. and *William Bragge* Esq.
rum. (two of her Majesties Justices of Peace within the County of *Devon* within written) to keep a common Alehouse or Tipling-house, and to use common selling of Ale or Beer, only within the now House of him the said *J. W.* (and not elsewhere) situate in the High-street of the Town of *L.* within written, and called the Sign of the Hart : If therefore he the said *J. W.* during such time as he shall keep such common Alehouse there, shall not suffer any unlawful Play at Tables, Dice, Cards, Tennis, Bowls, Closh, Quoits, Loggets, or other unlawful Games to be used in his said House, or in his Garden or Orchard

or other his Ground or Place (especially by Men Servants, Apprentices, common Labourers, or idle Persons) or wittingly and willingly admit or receive into his said House, or any part thereof, any Person notoriously efamed of, or for Theft, Incontinency or Drunkenness, or that shall be before-hand notified to him the said *J. W.* by the Constable of *L.* aforesaid, for the time being, or by his Deputy, to be an unmeet Person to be received into a common Alehouse, nor shall keep or lodge there any strange person above the space of one day and one night together, without notice thereof first given to the Constable or his Deputy there; and finally, If he the said *J. W.* during all the time that he shall keep common selling of Ale or Beer in the said House, shall and do there use and maintain good Order or Rule; then this present Recognizance to be void, &c. or else, &c.

Note, The Principal is double the Surety, viz. he in 10 *l.* and each Surety in 10 *l.*

The Recognizance is to be certified at the next Quarter Sessions of the Peace, upon forfeiture of five Marks by the Justices, 5 *Ed. 6. cap. 25.*

3.) *Mittimus of him that Victualleth contrary to commandment.*

T *Thomas Putt Kt. and William Bragge Esq;* two of the Queen's Majesties Justices of the Peace within the said County of *Devon*, to the Keeper of the Queen's Majesties Gaol at *E.* greeting: Whereas *J. W.* of *L.* in the said County of *Devon* (upon complaint lately made unto us of the evil Rule kept and suffered by him in his House, and other Misdemeanors) by Warrant under our Hands and Seals, was discharged of his Alehouse-keeping, and was commanded from us, that he should use no more common selling of Ale or Beer; and whereas we are credibly informed, that the said *J. W.* (notwithstanding our said Warrant and Commandment given him to the contrary, as aforesaid) hath ever since obstinately, and upon his own Authority taken upon him to keep a common Alehouse or Tipling-house, and still continueth the same: We do therefore send you herewithal the Body of him the said *J. W.* commanding you in her Majesties Name to receive him into your said Gaol, and there

safely to keep him until such time as he shall be from thence delivered by due order of Law, and hereof fail you not at your perils, dated at, &c.

(4.) *A Warrant to leuevy Money forfeited by Alehouse Haunters or Tiplers.*

¹ Jac. c. 9. **W**illiam Bragge Esq; one of her Majesties Justices of the Peace within the said County of *Devon*, to the
⁴ Jac. c. 5. Constables and Churchwardens of the Parish of *W.* and
²¹ Jac. c. 7. to every of them greeting. Forasmuch as it hath beene
One Justice, duly proved before me, according to the Statute in that
View, Con- behalf provided, that all and every the Persons hereunder
Confession, *One* named, being Inhabitants within your Parish of *W.* upon
Witness, the twelfth day of this instant Month of *November*, have
within six been and continued Drinking and Tipling in the House
months, in of *G. W.* of your said Town (Inn-keeper or Alehouse
Inn, Victu- keeper) contrary to the form of the same Statute: The
alting- are therefore in her Majesties Name to charge and com-
mand you, and every of you, forthwith to levy by Distress
house or the Goods of every the said persons hereunder named,
Alehouse. the Sum of 3 s. 4 d. a-piece, if they shall refuse or neglect
forthwith to pay the same (which several Forfeitures shall be
bestowed and employed by you to the use of the Poor of your
said Parish) and that you render to every the said Offenders,
the overplus that shall remain upon the Sale of their said Goods;
And the said Offenders, or any of them shall refuse or neglect
to pay the said several Forfeitures, and that you can find
no sufficient Distress whereon to levy the same, that then
you the Constables, or one of you, shall commit every such
Offender or Offenders (refusing or neglecting to pay the
said Sum or Forfeiture, and not having sufficient whereon to
be distrained for the same) to the Stock there to remain by
the space of four hours; and this shall be your sufficient
Warrant herein, dated, &c.

⁴ Jac. c. 5. *Convicted upon my View.*

²¹ Jac. 7. *Convicted by his Confession before me.*

5.) A Warrant to warn Alehouse-keepers to come and renew their Licenses.

Devon ff. *To the Constable, &c. of the Hundred of A. and to every of them.*

THese are in her Majesty's Name to command you to warn all the Licensed Alehouse-keepers, Victual-^{2 Justices,} ers, and such others within the said Hundred, as do use ^{1 Quorum.} commonly selling of Ale, Beer, Perry or Cyder, personally to appear before us at the House of *A. B. &c.* See *Dalt.* *cap. 132.* (*tali die*) by Nine of the Clock in the Forenoon of the *A War-* same day, and to bring with them, then and there, as *rant to the* well their former Licences and Certificates under the *Head Bay-* Hands of the Officers of Excise of their Composition for *liff to di-* the Duty of Excise, and the Payment thereof, as also a *rect his* Certificate of their civil demeanour and fitness of them- *Precept to* selves to be for that purpose new licensed, and of the *the Petit* Conveniency of Situation and Accommodation of their *Constables* said respective Houses for that purpose; the same Cer- *to warn* tificate to be signed with the Hands at least of four sub- *the Ale-* stantial, honest, discreet and civil Inhabitants of the re- *house-keep-* spective Parishes, where they do so now dwell, and *ers, &c.* have you there the Names of such Persons as you shall have so warned, together with the Names of the several Parishes where the said Houses are Situate, and by what Signs the same are so known, to the end that such of them may be continued, and such of them suppressed, as shall be thought fit, and have you there also this Precept. Given under our Hands and Seals at, &c.

(6) Against an Alehouse-keeper or Vintner for suffering to Tipple.

To the Constable of the Hundred of A. and to the Church-wardens of the Parish of B. in the said County.

Devon. ff. **F**Orasmuch as it hath been duly proved before *Innkeeper,* me, this present Day, that *A. B. of B. afore-* Victualler said, Victualler, did upon the Twentieth Day of *August or Alehouse-* last past, suffer *J. K. and L. R.* to remain and continue *keeper.* Drinking and Tipling in the House of the said *A. B. i Jac. c. 9.* *A a 4.* afore-

aforesaid, contrary to the form of the Statute in that Case made and provided. These are in her Majesty's Name to charge you, that you the said Constable or Churchwardens do levy for the Offence aforesaid 10 s. to the use of the Poor of the said Parish of B by way of Distress of the Goods and Chattels of the said A. B. to be taken and detained for the same, and for default of satisfaction within six Days, that then you do presently appraise and sell the same, and to deliver the Surplusage or Remainder over and above, to the said A. B. and for want of sufficient Distress, that you do certify the same unto me, within twenty Days next ensuing, to the end, that I may farther proceed therein as to Justice doth appertain. Hereof fail not at your Perils. Given under my Hand and Seal the, &c.

By 1 Car. cap. 4. Vintners are liable. The Ale-house-

keeper is disabled for Three Years, 7 Jac. cap. 10. This Offence of Tipling must be punished within six Months, and therefore the Warrant ought to express the Offence to have been done within six Months.

(7.) A *Mitimus* for want of Distress.

To the Constables, &c. of the Hundred of A. and to the Keeper of her Majesty's Gaol for the said County of M. in the County aforesaid.

Jac. c. 9. Devon ss. 1 Justice. Two Witnesses. Forfeit 10 s. to the use of the Poor.

Whereas upon the second Day of July, it was duly proved before me, that A. B. in the County aforesaid Victualler, did upon the first Day of May last past, suffer J. B. and O. F. to remain and continue Drinking and Tipling in the House of the said A. B. in B. aforesaid, contrary to the form of the Statute in that case made and provided. And whereas by Warrant under my Hand and Seal, I did upon the said second Day of July, command you the said Constable or Churchwardens of the said Parish to levy for the Offence aforesaid 10 s. for the use of the Poor of the said Parish, by way of Distress of the Goods and Chattels of the aforesaid A. B. to be taken and detained for the same; and for want of sufficient Distress, you the said Constable and the said Churchwardens aforesaid, did certify the same unto me, within twenty Days then next ensuing, to the end that I might farther do therein, as to Justice doth appertain. And forasmuch as E. F. G. H. and T. L. have this present Day certified

unto

unto me, that the said *A. B.* hath not sufficient Distress to be taken for the said 10 s. and that the same is not yet satisfied. These are therefore in her Majesty's Name to command you the said Constable, &c. that you, some or one of you, do take the said *A. B.* and him safely convey to the Gaol aforesaid, and there deliver him to the aforesaid Keeper of the same, together with this Precept, commanding you also, the said Keeper, to receive the said *A. B.* into the said Gaol, and him there safely keep, until the said 10 s. be truly paid to the use aforesaid. Hereof fail you not at your Perils. Given under my Hand and Seal, at, &c.

(8.) For Drunkenness, the first Conviction.

To the Constables of the Hundred of A. and to the Churchwardens of the Parish of B. in the said County.

Devon. ss. **F**Orasmuch as it hath been this present Day 4 *Jan. 5.* duly proved before me, that *A. B.* of the Parish of *B.* in the said County, Labourer, was on the second Day of *April* Drunk, in the Parish aforesaid, contrary to the form of the Statute in that Case made and provided. These are therefore in her Majesty's Name to command you, that you the said Constable or Churchwardens do require the said *A. B.* to pay for the said Offence, to the Hands of you the said Churchwardens, to be by you accounted for, to the use of the Poor of the same Parish, 5 s. of lawful Money of *England* within one Week now next ensuing: And if the said *A. B.* shall refuse or neglect to pay the same as aforesaid, that then you, the said Constable or Churchwardens, do levy to the use aforesaid the said 5 s. of the Goods of the said *A. B.* by Distress and Sale of the same, rendring unto him the Overplus of the Money remaining of the Sale. And if the said *A. B.* be not able to pay the said Sum of 5 s. that then you the said Constable do set him in the Stocks, there to remain by the space of six Hours. Hereof fail not at your Perils. Given under my Hand and Seal, at, &c.

Convicted upon my View.

Convicted by his Confession before me, [as the Case is.]

21 *Jan. 7.*

21 *Jan. 7.*

For

(9.) For Drunkenness, the second Conviction.

To the Constables, &c. of the Hundred of A. and to every of them, and to the Keeper of her Majesty's Gaol for the said County, at M. in the County aforesaid.

4 Jac. 5. Devon. ff. **F**Orasmuch as it hath been this present Day
21 Jac. 7. proved before me, that *A. B.* of the Parish of *S.* in the said County, Labourer, was upon the sixth Day of July, Drunk in the Parish of *S.* aforesaid, contrary to the form of the Statute in that case made and provided. And forasmuch as the said *A. B.* hath been once before lawfully convicted of the said Offence of Drunkenness. These are therefore in her Majesty's Name to command you the said Constable, &c. that you, some, or one of you, do cause the said *A. B.* to come before me, or some other of her Majesty's Justices of the Peace of the said County, to be bound with Sureties to her said Majesty in one Recognizance or Obligation of 10 l. with Condition to be from henceforth of Good Behaviour, according to the form of the Statute in that Case made and provided, which if he shall refuse to do, that then you do him safely convey to the Gaol aforesaid, and deliver him there to the said Keeper of the same, together with this Precept, commanding also you the said Keeper, to receive him into the said Gaol, and him there safely keep, until he shall be so bound with two Sureties, as aforesaid. Hereof fail you not at your Perils. Given, &c.

(10.) A Warrant and *Mittimus* against an unlicensed Alehouse-keeper, upon the Statute of 5 E. 6.

To the Constables, &c. of the Hundred of A. and to every of them, and to the Keeper of her Majesty's Gaol for the said County at L. in the County aforesaid.

1 Justices Devon. ff. **F**Orasmuch as *A. B.* of, &c. hath been this
1 Quo- present Day convicted before us, of Obsti-
rum. nacy, and of his own Authority, selling Beer and
5 & 6 E. 6. Ale — at *L.* aforesaid, contrary to our Command-
cap. 25. ment. These are therefore in her Majesty's Name to command

command you the said Constable, &c. that you, some, ² Roll, or one of you, do take him the said *A. B.* and him safely ^{398.} convey to the Gaol aforesaid, and there deliver him to *Palm.* the said Keeper of the same, together with this Precept, ^{388.} commanding also you the said Keeper to receive the said *A. B.* into the said Gaol, and him there safely keep, without Bail or Mainprise by the space of three Days; and until he shall enter into Recognizance with two Sureties, according to the form of the Statute, in that Case provided, that he shall not keep any common Alehouse or Tipling-house, or use common selling Ale or Beer. Hereof fail not at your perils. Given under our Hands and Seals, at, &c.

This Conviction is to be certified to the next Sessions, where the Justices may fine him for every such Offence 2 s.

(II.) Against an unlicensed Alehouse-keeper upon the Statute of 3 Car. 1.

The First Conviction.

To the Constables, &c. of the Hundred of A. and to every of them, and to the Churchwardens of the Parish of B. in the County aforesaid.

FOrasmuch as *A. B.* of *B.* in the said County Victual- ^{3 Car. c. 3.} ler, hath this present Day been according to the ^{1 Justice.} form of the Statute in that Case made and provided, *View.* Convicted before me for taking upon him of his own *Confession.* Authority, not being thereunto lawfully licensed to sell *Pay 20 s.* Ale or Beer in the Parish aforesaid, and by reason there- *Two Wit-* of he hath forfeited and lost the Sum of 20 s. of lawful *nesses that* Mony of *England,* to the use of the Poor of the said Pa- *shall or* rish. These are therefore in her Majesty's Name to com- *will, &c.* mand you, that you the said Constable or Churchwar- *To keep a* dens do levy by way of Distress of the Goods and *Common* Chattels of the said *A. B.* to be by you taken and de- *Alehouse or* tained for the said 20 s. to the use aforesaid. And for *Tipling-* default of satisfaction of the said 20 s. within three *house.* Days after each Distress taken, you do appraise and sell *To use com-* the said Distress, and deliver the Overplus thereof to *monly sel-* the said *A. B.* and if he shall not have sufficient Goods *ling Ale,* and

Beer, Cyder and Chattels, whereby the said 20 s. may be levied by way of Distress, as aforesaid, and shall not pay the said Sum of 20 s. within six Days next ensuing, That then you the said Constable, &c. or some or one of you do openly whip him for the Offence aforesaid. Hereof fail not at your perils, &c.

(12.) The Second Conviction.

To the Constables, &c. of the Hundred of A. and to the Keeper of the House of Correction, for the said County at L. in the County aforesaid.

3 Car.c.3. **F**Orasmuch, &c. (as in the precedent Warrant to the
1 Justice, Words by reason) and forasmuch also as the said
View, A. B. hath once before in like manner been convicted
Confession. of the like Offence. These are therefore in her Majesty's
2 Witnes- Name to command you the said Constable, &c.
ses as be that you, some, or one of you, do take the said A. B.
fore. and him safely convey to the aforesaid House of Correction, and there deliver him to the said Keeper of the same, together with this Precept, commanding also you the said Keeper, to receive him into the said House, and him there safely to keep for the space of one Month, and to deal with him as an idle, lewd and disorderly Person. Hereof fail not at your perils. Given, &c.

(13.) The Third Conviction.

To the Constables, &c. (ut supra.)

3 Car.c.3. **F**Orasmuch as, &c. (to these Words by reason of)
1 Justice, And forasmuch also as the said A. B. hath been twice
View, before in like manner, convicted of the like Offence.
Confession, These are therefore in her Majesty's Name to com-
2 Witnes- mand you the said Constable, &c. that you, some, or
ses as be- one of you, do take the said A. B. and him safely
fore. convey to the aforesaid House of Correction, and there deliver to the Keeper of the same, together with this Precept, commanding also you the said Keeper to receive him into the said House, and him there safely keep, until by Order of the Justices in the General Sessions of the County, he shall be delivered from thence; and that you in the mean time deal with him as an

an idle, lewd and disorderly Person. Hereof fail not at your perils, &c.

(14.) For Witnesses against an unlicensed Alehouse-keeper.

To the Constables, &c. of the Hundred of A. and to every of them

FOrasmuch as Complaint hath been made unto me, 3 Car.c.3. That *A. B.* of the Parish of *C.* Viſtualler, doth *1 Juſtice.* take upon himſelf of his own Authority, not being *To uſe com-* thereunto lawfully licensed to ſell, &c. in the Parish *mon ſelling* aforeſaid. And forasmuch as I am credibly informed, *of Beer,* that the ſeveral perſons here under-named, can (if they *Ale, Perry* will) teſtifie that the ſaid *A. B.* doth ſo do. Theſe are, *or Cyder.* &c. to command you, ſome, or one of you, to give *To keep a* notice unto the ſaid ſeveral perſons, that they, and e- *Common* very of them, are hereby required to come before me *Alehouse* at, &c. (ſuch a Day) by ten of the Clock in the Fore- *or Tipling-* noon of the ſame Day, then and there to teſtifie their *houſe.* ſeveral knowledges touching the Premiſſes, whereof they, nor any of them, are not to fail at their perils. And what you ſhall do herein, you ſhall make known unto me, at the time and place aforeſaid. And have you then and there this Precept. Given, &c.

A. B. C. D. E. F. G. H. of, &c.

(15.) A Warrant to ſuppreſs an Alehouse.

To the Conſtable, &c. of the Hundred of A. and to every of them.

FOrasmuch as we are credibly informed, that *A. B.* 2 Juſtices. of, &c. doth ſuffer evil rule and diſorder to be kept *1 Quor.* in his Houſe in *L.* aforeſaid, contrary to the Laws and *1 Bul. 109.* Statutes of this Realm, for which we have thought *Imprison-* fit to ſuppreſs him from any longer keeping an Ale- *ment, Fine* houſe or Tiplinghouſe, or uſing commonly ſelling of *and Bond* Beer, Ale, Cyder or Perry. Theſe are therefore in *for the* her Maſteſty's Name to command you, that you, ſome, *Good Be-* or one of you, do forthwith repair to the ſaid *A. B.* and *haviour* charge him to ſurcease from keeping any longer any *Crompt.* Alehouse

197, 198. Alehouse or Tiplinghouse, and from common selling
 5 & 6 E. of Ale, Beer, Cyder or Perry, at his peril, and witha
 6. c. 25. that you cause his Sign to be pulled down, and tha
 Two Ju- what you shall do in the Premisses, you, some, or one
 stices may of you, do make known unto us, with all conveni-
 remove or ent speed. Whereof fail not at your perils. Given, &c.
 allow, &c.

(16.) A Warrant against an Alehouse-keeper
 for selling less than Measure.

*To the Constable, &c. of the Hundred of A. and to the
 Churchwardens of the Parish of B. in the said County,
 and to every of them.*

Justice. Devon. ss. **F**Orasmuch as it hath been duly proved be-
 1 Jac. c. 9. fore me, that *A. B.* of the aforesaid Parish
 1 Witness. of *B.* did lately sell in his own House, less than one full
 View or Ale Quart of the best Beer for one peny, against the
 Confession. form of the Statute in that Case made and provided,
 Ey 21 Jac. by reason whereof, the said *A. B.* hath forfeited for his
 cap. 7. said Offence 20 s. to the use of the Poor of the said
 Inn-keeper, Parish of *B.* These are therefore in her Majesty's Name
 Alehouse- to command you, that some, or one of you, do levy to
 keeper or the use aforesaid the said 20 s. by way of Distress of
 Victualler the Goods and Chattels of the said *A. B.* to be by you,
 disabled some, or one of you taken and detained for the same.
 for three And for default of such satisfaction within six Days
 Years. next ensuing; that then you presently appraise and sell
 the said Distress, and deliver the Surplusage or Remain-
 der over and above to the said *A. B.* And for want of
 sufficient Distress; that then you, some, or one of
 you, do within twenty Days next ensuing, certifie
 unto me the default of such Distress. To the end
 that I may farther do therein as to Justice doth apper-
 tain. Hereof fail not at your perils, &c.

17) A *Mittimus* for an Alehouse-keeper for want of Distress.

to the Constables, &c. of the Hundred of A. and to every of them, and to the Keeper of Her Majesties Gaol for the said County at L. in the County aforesaid.

Devon. ss. **W**Hereas it hath been fully proved before *Justice,*
me, That *A. B.* of the Parish of *C.* in *Jac. c. 9.*
the said County, Labourer, did lately utter and sell in
his own House in *C.* aforesaid, less than one full Quart
of the best Beer for one Penny, against the Form of the
Statute in that case made and provided. And whereas I
did thereupon by-Warrant, under my Hand and Seal,
command you the said Constable, &c. and the Church-
wardens of the Parish of *C.* aforesaid, that you, they, or
some, or one of you, or them, should levy to the use of
the Poor of the said Parish 20 s. for the Offence afore-
said, by way of Distress of the Goods and Chattels of the
said *A. B.* to be taken and detained for the same, and for
want of sufficient Distress, you, they, or some, or one of
you, or them, should within twenty days then next en-
suing, certify to me the default of such Distress, to the
end that I might farther do therein, as to Justice doth
appertain. And forasmuch as that no sufficient Distress
can be found to be certified unto me, whereby the said
20 s. may be levied. And that the same is not yet satis-
fied. These are therefore in her Majesties Name to com-
mand you the said Constable, &c. that you, some or one
of you, do take the said *A. B.* and him safely convey to
the Gaol aforesaid, and there deliver him to the Keeper
of the same, to be by him there kept until the said 20 s.
shall be truly paid, commanding also you the said Keeper
to receive him to the said Gaol, and him there safely
keep, until the said 20 s. shall be paid accordingly.
Hereof fail not at your peril. Given under my Hand and
Seal at, &c.

(18.) *A Licence to Brew and keep an Alehouse.*

Derb. ff. **W**Hereas *A. B.* of *C.* in the County of *D.* Yeoman, hath come before us *E. F.* and *G. H.* Esquires, two of her Majesties Justices of the Peace within the said County, and bound himself in a Recognizance with sufficient Sureties to brew and sell, and to keep a Common Alehouse according to the Statute of Brewers made in the Fifth year of the Reign of King *Edward* the Sixth. Now know ye, that we the said *E. F.* and *G. H.* have licenced the said *A. B.* to brew, to sell, and to keep a common Alehouse according to the said Statute. Given under our Hands, &c.

See *West. Presid.* part 1. §. 554, 558.

(19.) *A Licence to keep an Alehouse.*

WE whose Names are here under-written, her Majesties Justices of the Peace of the said County, do, according to the Form of the Statute in that case made and provided, licence, admit and allow *A. B.* of *C.* in the said County, Victualler, to keep a Common Alehouse or Victualling-house, in the House where he now dwelleth in *C.* aforesaid, provided that the said *A. B.* do not suffer any unlawful Games to be used in his said House, but do use and maintain good Order and Rule within the same; provided also, that this Licence shall not continue in force above the space of one year next ensuing, at the most. Given under our Hands and Seals, at *L.* &c.

Note, There are several Forms of Licences in *West's Presid.* 1 part, §. 557, 558, &c.

20.) A Recognizance and Condition upon licensing an Alehouse.

Devon. ff. **M**emorandum quod undecimo die Octobris anno 5 & 6 E. 6.
Regni Domine nostre Annæ (Dei Gratia) cap 25.
Angliæ, Scotiæ, Franciæ & Hiberniæ Reg. Fidei defensor. &c. 2 Justices,
vinto apud L. in Com. præd. A. B. de, &c. C. D. & E. F. 1 Quo-
c. personalit. vener. coram nobis E. F. & G. H. Justic. dict. tum.
Dom. Reg. ad pacem in Com. præd. conservand. assignat. &
cognover. se debere dict. Dom. Reg. modo & forma sequen.
viz. præd. A. B. in præd. viginti libris bonæ & legalis monete
Angl. & uterq; eorum C. D. & E. F. in decem libris consimilis
galis monet. Angl. separatim levand. de separalib. bonis &
utallis terris & tenementis suis ad opus & usum dict. Dom.
Reg. Hæred. & Successor. suorum si defalt. foret in performance
conditionis indorsat.

The Condition of the within written Recognizance
such, That whereas the within bounden A.B. is by the
Justices within named, licensed, admitted and allowed
to keep a common Alehouse in the House wherein he
now dwelleth in C within written. If therefore the said
A.B. shall not during the continuance in force of the
said Licence, suffer any unlawful Games to be used in
his said House; but do use and maintain good Order
within the same; That then this Recognizance shall be
void, or else it shall stand in full force.

21.) A Licence to keep an Alehouse, with Articles.

Devon. ff. *Articles to be observed and kept by A. B. admitted
to keep a Common Alehouse or Victualling-house, in his now
Dwelling-house in L. in the said County of Devon. as
followeth, viz.*

Imprimis. IF he hear of any Robbery or other hainous
Offence committed against the Peace of our
Sovereign Lady the Queen, he shall certifie to the Con-
table, &c. of the Hundred where, for the time being,
he then dwelleth, or some of Her Majesties Justices of

the Peace for this County of such persons as lodged at his House within two days before or after such Robbery or heinous Offence committed, and what Apparel they had and used, and the Christian Names or Surnames of them, or as many of them as he shall know.

2. Also, he shall not use, nor keep or suffer to be used or kept any Carding, Dicing, Bowling, or any other unlawful Game or Games at any time, in his House or Yard.

3. Also he shall not permit or suffer any person or persons to continue drinking, or remain Tipling in his House, otherwise than is permitted and allowed by the several Statutes, in that case made and provided.

4. Also he shall not suffer any person or persons to lodge at his House above one day and one night together, but such as he will answer for, and have forth coming, if occasion shall require.

5. Also he shall keep one or more Beds in his House as also Man's Meat and Horse Meat, during the time of his Licence, conveniently furnished to lodge any Wayfaring Man or Traveller.

Note, If any common Innholder or Alehouse-keeper will not lodge such as travel, the Ruler, Constable or other Officer of the place may compel him thereunto, 5 *Edw. 1. cap. 3.*

6. Lastly, He shall not use or sell less than one full Ale-quart of the best Beer or Ale for one Penny, and of the small two Quarts for one Penny; and shall have in his House Beer and Ale of both sorts, and also Bread for the Poor, and such others as will buy the same.

We whose Names are here under-written, Justices of the Peace of our Sovereign Lady the Queen, within the County of *Devon*. do hereby licence and allow the said *A. B.* to keep a Common Alehouse or Victualling house in his now Dwelling-house, known by the Name or Sign of the *Swan* in *L.* aforesaid, for the space of one whole Year next ensuing, the said *A. B.* observing and keeping all and singular the Articles above written, for observing whereof, he is bound by Recognizance in 10 *l.* and two sufficient Sureties with him (*viz.*) *C. D.* and *E. F.* in 5 *l.* a-piece, to the use of our Sovereign Lady the Queen, her Heirs and Successors. Dated at *L.* the 8th Day of September, 1700

Devon. ff. Memorandum, quod decimo die Septembris Anno Regni Dom. nostræ Annæ Dei Gratia Angliæ, Scotiæ, Franciæ & Hiberniæ Regin. Fidei defensoris, &c. quinto L. F. de, &c. T. B. de, &c. & O. N. de, &c. & A. B. de, &c. personaliter venerunt coram me E. F. Armig' un' Justiciar' dict. Dom. Regin. nunc ad pacem in Com. præd. conservand. assignat. & recogn. se habere dict. Dom. Reg. modo & forma sequen. videlicet præd. A. B. in viginti lib. legalis monetæ Angl. & uterque præd. L. F. T. B. & O. N. & quemlibet eorum in decem libr. consimilis monetæ separalit. levand. de separalibus bonis & catallis terris & tenementis suis ad opus & usum dict. Dom. Regin. nunc Hæred. & Successor. suor. si defalt. fieret in performance Conditionis undersat.

Capt. & cogn. coram me.

The Condition of the Recognizance within written is such, That whereas the within named A. B. is by the Justices within named, licensed, admitted and allowed to keep a Common Alehouse or Victualling-house in L. for the space of one whole year now next ensuing. If therefore the said A. B. do not well and truly observe and keep all and singular the Articles contained in his said Licence, That then, &c.

22.) A Licence in London to keep an Alehouse.

London ff. **M**emorandum, quod ad Sessionem pacis Dom. Regin. tentam pro Civitate London apud Guildhall ejusdem Civitatis die Sabbati, scilicet decimo nono die Aprilis Anno Regni Dom. nostræ Annæ Dei Gratia Angl. Scotiæ & Hiberniæ Regin. Fidei defensoris &c. quinto coram T. A. Milite & Baronetto T. B. Milite G. W. Milite & T. A. Milite Aldermannis Civit. præd. & G. F. Milite uno de Consiliis Dom. Regin. eruditis in Lege & Recordatore ejusdem Civitatis Justiciariis dict. Dom. Regin. ad pacem in Civitate præd. conservand. necnon ad diversa Felonias Transgressiones & alia Malefacta infra eandem Civitatem perpetrata audiendum & terminandum assignatis venerunt E. B. de Parochia Sancti Andreæ Holborn, London, Vidua & Thomas How de Parochia præd. Ironmonger & manuceperunt pro Annia Barrow de Parochia præd. London Vid. videlicet uterque plegior. præd. sub pena quinque librarum & præd. A. B. adtunc & ibidem suscepit pro seipsa sub pena decem librar. quas quidem separales summas adiung. & ibidem separatim recognoverunt de separalibus bonis & catallis

catallis terris & tenementis suis respective levandas ad usum dictæ Dom. Regin. per viam Recognitionis si præd. A. B. deficeret in Conditione sequente.

The Condition of the Recognizance above mentioned is such, That whereas the above named *A. B.* is admitted and allowed by the above named Justices to keep a Common Alehouse and Victualling-house, for the space of one whole year, next ensuing the acknowledgment of the said Recognizance, and no longer, in the House where she now dwelleth in the said Parish of *St. Andrew Holborn*, and not elsewhere. If therefore the said *A. B.* shall not, during the time aforesaid, permit or suffer, or have any playing at Cards, Dice, Tables, Quoits, Loggets, Bowls, or any other unlawful Game or Games in her House, Yard, Garden or Backside, nor shall suffer to be or remain in her House any person or persons (not being her ordinary Household Servant or Lodger) upon any Sabbath-day, or day of Humiliation or publick Thanksgiving, nor shall suffer any person to lodge or stay in her House above one Day and one Night, but such whose true Name and Sirname she shall deliver to some of the Constables, or in his absence, to some of the Officers of the same Parish the day next following, unless they be such person or persons as she well knoweth, and will answer for his or their forth coming; nor shall suffer any person to remain in her House tipling or drinking contrary to Law, nor yet to be there tipling or drinking after Nine of the Clock in the Nighttime; nor shall buy or take to pawn any stoln Goods; nor willingly harbour in her House, Barns, Stables or other place any Rogues, Vagabonds, sturdy Beggars, masterless Men, or other notorious Offenders whatsoever; nor shall suffer any person or persons to sell or utter any Beer or Ale or other Viſtual, by deputation or by colour of her Licence. And also, if she shall keep the true Assize and Measure of her Pots, Bread and otherwise, in uttering of her Beer, Ale and Bread, and the same Beer and Ale to sell in sealed Measure, and according to the Assize, and not otherwise, that then this Recognizance to be void, and of none effect, or else to stand in full force and strength.

You are to be and stand suppressed, if you suffer any Drink by you sold, to be drunk in any Silver Cup or other Silver Plate, and your Licence to be then and from thenceforth void.

23) *A Warrant against one for keeping an Ale-house without Licence.*

Devon. ss. **F**Orasmuch as it appears to us by the Certificate of the Constable of your Town, as also by the information of divers other Credible Persons, That *A. W.* of your Town doth keep a Common Alehouse and Victualling-house within your said Town without Licence, contrary to the Law in that behalf: These are therefore in her Majesties Name to will and require you to bring before us, or one of us, or some other of her Majesties Justices of the Peace of this County, the said *A. W.* there to be dealt with and proceeded withal as to Law and Justice in that behalf shall appertain, and hereof fail you not as you will answer the same at your peril. Given, &c.

Assessors.

(24) *A Warrant to the Assessors to make a Tax.*

Devon. ss. **B**Y Virtue of an Act of this present Parliament, Intituled, An Act for granting unto the Queen's Majesty, the Sum of, &c. to be raised, levied and paid in the space of, &c. in manner following, that is to say, the Sum of, &c. by the Month, for, &c. Months, beginning from the, &c. day of, &c. These are to will and require you and every of you, whose Names are here under written, for the purpose aforesaid, for the second and third quarterly payments of the said, &c. Months Assessments with all care and diligence to assess on all Lands, Tenements, Hereditaments, Annuities, Rents, Parks, Warrens, Goods, Chattels, Stores, Merchandize, Offices other than Judicial and Military Offices, and Offices relating to the Navy, under the Command of the Lord High Admiral, and Offices within her Majesties Household, Tolls, Profits, and all their Estates both real and personal, within the limits, circuits and bounds of your Hundred of *A.* the full and just Sum of, &c. by a Pound Rate, where you are to assess the Tenements one sixth part in

the whole, in respect of his Stock upon Land, and you are to assess all other persons for their personal Estate (other than their Stock upon Lands and Household-stuff) for every 20 l. proportionably to 20 s. by the year in Lands. And you are to take special care that therein you assess not any part of the said Moneys, upon the Rents and Revenues due and payable to either of the said Universities, or any other Colleges, Halls, Hospitals, Almshouses or Free-Schools; nevertheless, you are to assess the Tenants of all such Lands and Tenements, for so much as the same are worth, by the year, over and above what Rents or Revenues they pay to the said Universities, Colleges, &c. And you are hereby farther willed and required, that you bring the said Assessment fairly written, exactly cast up, and by you signed unto us at the hour of, &c. (*tali die*) by Eleven of the Clock in the Forenoon of the same. Of all which you, nor any of you are to fail, upon pain of 20 l. Given under our Hands and Seals, at, &c.

(25.) *The Preamble of the Tax Book.*

To *A. B. C. D. E. F. and G. H.*

A Tax made the, &c. day of *August*, Anno Dom. 170- and in the year, &c. by us, whose Names are here under subscribed in pursuance of a Warrant to us directed under the Hands and Seals of *A. B. C. D. E. F.* Esquires, and other Commissioners nominated in an Act of this present Parliament, Intituled, An Act for granting unto her Majesty the Sum of, &c. payable within the space of, &c. whereby we are required to assess upon the said Hundred on all Lands, Stocks, Goods, &c. the Sum of, &c. by a Pound Rate, wherein the Tenements are to be assessed, one sixth part of the whole, which we have accordingly assessed (*viz.*) the Landlord at five Pence in the Pound Rent, and the Tenant one penny in the Pound, in respect of his Stock upon the said Lands, and for all other Goods, Stock, &c. for every 20 s. proportionably to 2 s. *per Annum* on Lands as followeth. (*viz.*)

Abatement to be allowed to the Land-lord in respect of the Waters, Costs, and other Charges imposed on the said Lands.

A Borough Tenants. Rents			Tax or			Tax or		
Land-lords			Pounds			Stocks in		
		per ann.				Lands and		
						Trade.		
		l. s. d.	l. s. d.			l. s. d.		
A. B. Esq;	C. D.	20 00 00	00 08 04			00 01 08		
E. F.—	G. H.	50 00 00	01 10 00			00 04 02		
I. K.—	L. M.	80 00 00	01 13 04			00 06 08		

(26.) A Warrant to the Collectors of the Tax.

To A. B. C. D. E. F. Collectors for the Hundred of A. in the said County.

Devon. ss. **B**Y Virtue of an Act of this present Parliament, Entituled, An Act for grating unto the Queen's Majesty the Sum of, &c. to be raised, levied and paid in the space of, &c. These are to will and require you, and every of you, whose Names are hereunder written, to collect all and every the Sums of Money mentioned in the Assessment hereunto annexed, so that you duly pay the same, (which you are hereby required to do) unto A. B. of, &c. whom we have nominated and appointed Head Collector of the Monies aforesaid, at his House in D. aforesaid, in manner following, that is to say, one Moiety thereof (being the second quarterly payment of the said Years assessment) on or before the 20 Day of October then next following. And in case any person or persons shall neglect or refuse to pay any Sum of Money whereat he is in the said Assessment rated or assessed, then you, and every of you are hereby authorized and required to levy the Sum assessed by Distress and Sale of the Goods of such person or persons so refusing or neglecting to pay, deducting the Sum assessed, and reasonable Charges of distraining. And you shall restore the Overplus to the Owner thereof. Also you, and every of you, are hereby likewise authorized to break open in the Day time, any House,

Trunk, Chest or Box, or other things, where any such Goods are, and to call to your assistance, that Constable, Tything-man and Headborough, within the place where any such usual neglect or resistance shall be made, which said Officers are by the said Act. required to be aiding and assisting in the Premises, as they will answer the contrary at their Peril. And in case any person or persons shall refuse or neglect to pay his or their Assessment, and convey his or their Goods, or other personal Estate, whereby the Sum of Money so assessed, cannot be levied according to the said Act, That then you certify to us or any two of us, the name or names of such person or persons so refusing or neglecting, or conveying as aforesaid, to the end such proceedings may be had thereupon against him, her or them, as by the said Act is directed. And in case any Lands or Houses within your Hundred, shall lie un-occupied, and no Distress can be found on the same, by reason whereof, your said Hundred is forced to pay and make good the Tax assessed upon such Lands lying unoccupied; Then you and every of you, are hereby authorized and required at any time after, with the assistance of the Constable or Tything-man within your Hundred for the time being, to enter and distrain upon the said Lands and Houses, when there shall be any Distress thereupon to be found, and the Distress and Distresses (being the proper Goods of the Owner, or any claiming any Estate, Interest or Profit under him) if not redeemed within fourteen days, by payment of the Tax and Charge of Distraining) to sell, rendring the Overplus to the Owner or Owners of such Distress. And you are hereby enjoined to distribute the Money raised by the Sale, proportionably to the Parties who contribute to the Tax of the said unoccupied Lands. You, and every of you, are hereby farther enjoined, that where any Wood shall be assessed, and no Distress can be had, that in such case with the assistance of the Constable, Headborough or Tything-man, you cut and sell to any Person or Persons so much of the Woods, growing in the said Wood-lands, as will pay the Assessment or Assessments so behind and unpaid, and the Charge incident thereunto. And the Person and Persons and his Assigns to whom such Woods shall be sold, are by the said Act authorized to sell, cut down, dispose and carry away the same to his own use, rendring the Overplus (if any be) to the Owner thereof. You and every of you

we hereby likewise authorized, that where any Tax or Assessment within your said Hundred shall be laid upon Tythes, Tolls, Profits, Markets, Fairs or Fisheries, or other annual Profits, not distrainable, in case the same shall not be paid within fifteen Days after such Assessment, so charged or laid and demanded, That then you, or any of you, seise, take and sell so much of the said Tythes, Tolls and other Profits so charged, as shall be sufficient for the levying of the said Tax and Assessment, and all Charges occasioned by such Non-payment thereof, rendring the Overplus to the Owner, any be, of all which you, or any of you, are not to fail upon such Pains and Penalties, as by the Act may in such case be inflicted on you. And lastly, We do hereby order unto you, that upon your Collection of the whole Sum, appointed to be collected by you, and payment thereof, as is hereby appointed. You are to give and receive for your pains in collecting and paying the Monies one peny in the Pound, which the said Head Collector, is by us authorized to pay unto you accordingly. Given under our Hands and Seals, at, &c. &c.

27.) A Warrant to levy five Pounds upon the Collectors for neglecting to Collect their Assessment.

To the Constable, &c.

Evon. ff. **W**Hereas Complaint hath been made unto us this present Day by *A. B.* of, &c. High Collector of the second and third Quarterly payments of the late Tax granted to her Majesty, that the several persons, whose Names are here underwritten, being petty Collectors of the said two Quarterly payments within the said Hundred, have wilfully neglected and refused to pay unto the said *A. B.* the several Sums of Money charged upon them, to collect and pay unto the said High Collector, on the several Days and Times to them limited and appointed for the payment of the same, notwithstanding several Warrants have been issued out unto them, to make payment thereof. These are therefore in her Majesty's Name, to command you, that you, or one of you do immediately, upon Receipt hereof

hereof levy upon the several Persons, whose Names are here under-written upon each of them the Sum of 5*l* for such his neglect and refusal, as aforesaid, by way of Distress and Sale of his Goods, according to the Act of Parliament, in that case made and provided. Hereof fail not at your perils. And for your so doing, this shall be your sufficient Warrant. Given under our Hands, and Seals, at, &c.

(28.) Apprentices and Labourers, &c.

TWO Justices, one of the *Quorum*, the Churchwardens and Overseers by consent of two Justices may bind Poor Children Apprentices; a Man Child to the Age of Four and twenty, and till One and twenty of the Woman, or day of Marriage, 43 *Eliz. cap. 2.*

And for this purpose the Justices may issue out their Warrants to the Churchwardens and Overseers to bring in the Names of such Children, &c.

The Form of the Warrant.

To the Churchwardens and other the Overseers of the Poor of the Parish of St. Giles in the Fields in the said County, and to every of them.

43 *El. c. 2. Midd. ff.* **T**Hese are in her Majesty's Name to command you that you do present unto us, or some of us, in Writing under your Hands at the House of *Monny given* *F.* near the Church of the aforesaid Parish upon the second Day of May next at Eight of the Clock in the Morning of the same Day the Names of all such Poor Children of your said Parish as are Orphans, or whose Parents shall not by you, or the greater number of you, be thought able to keep and maintain them, together with the Names of the Parents of the said Children (if they be living) and also the several Ages of such Children aforesaid. And that you do cause such of the said Children as shall be able to come thither, especially such of them, as you shall think fit to be put forth Apprentices, to appear before us at the time and place aforesaid that we may view them. And likewise that you do then and there also, as aforesaid, present unto us

2 Justices,
1 Quor.
Monny given
with Ap-
prentices.
7 Jac. 1.
cap. 3.
No Appren-
tice by that
Statute
shall be
above the
Age of 15
Years when
first bound
out.

the Names of such substantial Inhabitants of your Parish to whom you shall think fit to put the said Children, or any of them, Apprentices, especially such of the said Inhabitants as have not formerly taken Apprentices any such poor Children of your said Parish. And lastly, That you do give notice to the said Inhabitants that they are by us required then and there to appear before us, to shew Cause why you by our assent shall not bind such of the said Children Apprentices unto them as to you shall seem meet, unless they in the mean time shall consent to receive and take the same accordingly. And that you your selves be then and there also present and have there this Pecept, of all which fail you not at your perils. Given under our Hands and Seals, &c.

(29.) *The Form of an Indenture of an Apprentice so put out.*

THIS Indenture made the first Day of *May*, in the seventh Year of the Year of the Reign of our Sovereign Lady Queen *Anne*, by the Grace of God of * Or Son of *England, Scotland, France and Ireland* Queen, Defender of the Faith, &c. *Annoq; Dom. 1706*. Witnesseth, That *ter* (of such) *A. B. and C. D.* Overseers of the Poor of the Parish of *an one* *St. Giles in the Fields* in the County of *Middlesex*, and *E. F* unable by and *G. H.* Churchwardens of the same Parish by and reason of with the Consent of *J. K. and L. M.* Esquires, two of her *his* (or *her*) Majesty's Justices of the Peace for the same County *Age and* have placed, and by these present do place and bind *N* great *O. ** being a poor Fatherless Child as an Apprentice *Charge to* with *P. Q.* of the said Parish of *Sp. Giles in the Fields*, bring up *Weaver*, and as an Apprentice with him the said *P. and main- Q.* to dwell from the Day of the Date of these Presents *tain his* (or until he the said *N. O* shall attain the Age of *Twenty* † *her*) said Years, according to the Statute in that Case made and *Son* (or provided. By, and during all which Time and Term *Daughter*) the said *N. O.* shall and will faithfully serve the said *P. as the Q.* his Master in all his lawful Business, according to *Case is.* his Power, Wit and Ability, and honestly and obedi- † *A Girl* tly in all things shall behave himself toward the said *may be P. Q.* his Wife, Children and Family. And the said *P. bound to 21* *Q.* for his part promiset, covenanteth and agreeth, that *or day of* as the said *P. Q.* the said *N. O.* in the Art, Skill and Marriage. Myste.

|| Or in the Art and Skill of Husbandry or Housewifery, &c. as the Case is. Mystery of a Weaver || shall teach and instruct, or cause to be taught and instructed in the best way and manner that he can according to his knowledge. And also to find and allow his said Apprentice sufficient Meat Drink, Washing, Lodging, Linen, Woollen, Shooes Stockings, and all other things meet and necessary for such an Apprentice during all the said Term : To be Witness whereof the said Parties to these Presents have to the same interchangeably set their Hands and Seals the Day and Year first above written.

Let the Overseers, Churchwardens and Apprentices seal and deliver one part of the Indentures to the Master, and the Master the other to them. And then the Justices may endorse their Consents on the backside *viz.*

We whose Names are subscribed, Justices of the Peace for the County of *Middlesex* aforesaid, do consent to the putting forth the aforesaid N. O. Apprentice according to the intent and meaning of the Indenture aforesaid.

J. K.
L. M.

Note, The Statute of 7 Jac. cap. 3. directs how Money given and to be given for the binding out Apprentices of poor Children shall be employed. and by whom and within what time ; and how and when the Persons, who have the employment and disposing thereof, shall account before the Justices.

And that the Master or Mistress receiving such Apprentice and Money, shall be bound to the Corporation or Trustees to repay such Money at the end of seven Years next ensuing the Date of the Bond, or within three Months after the end of seven Years, or within a Year of the Apprentices death, if he die within seven Years or within one Year after the Master, Mistress or Dame if he or she die within seven Years, so that the Apprentice may be therewith placed with some other person to serve the residue of the Year of his or her former Apprentiship.

A Beggars Child may at the General Sessions be bound to serve any Subject of the Realm being of an honest Calling.

If the Master refuse to take the Apprentice, and to seal a Counterpart of the Indenture. See a Warrant against him next following.

30.) A Warrant against such as refuse to take Apprentices and Seal a Counterpart of the Indenture.

To the Constables and Headboroughs of, &c.

*W*Hereas the Overseers of the Poor and Churchwardens of the Parish of *St. Giles in the Fields*, in the County aforesaid did by our Consent by Indenture bearing Date the first Day of *May*, in the fifth Year of the Reign of our Sovereign Lady *Queen Ann*, by the Grace of God of *England, Scotland, France and Ireland* Queen, Defender of the Faith, &c. Annoq; Dom. 1706. place, and bind out Apprentice unto *P. Q.* of the Parish aforesaid, Weaver, *N. O.* a poor Child of the said Parish, according to the form of the Statute made in the 43 Year of the late *Queen Eliz.* Entituled, *An Act for the Relief of the Poor.* And forasmuch as the said *P. Q.* doth refuse to take, receive and keep the said Apprentice accordingly, and doth also refuse to Seal the said Counterpart of the said Indenture. These are therefore in her Majesty's Name to command you, that you, some or one of you do cause the said *P. Q.* to come before us, or one of us, or some other Justice of the Peace of the said County to enter into Recognizance. unto her said Majesty conditioned for personal appearance at the next General Sessions of the Peace to be holden at *Hick's Hall* in *St. John's Street* in the County aforesaid, then and there to answer the Premisses, and farther to do and receive as the said Court shall then consider of him in that behalf. Hereof fail not at your Perils. Given under our Hands and Seals, &c.

(31.) A Warrant against a Master for abusing his Apprentice.

To the Constables and Bursholders of P. &c.

5 El. c. 4. *Devon. ss.* **F**Orasmuch as Complaint hath been made unto me by *A. B.* an Apprentice against *C. D.* his Master, both of the Parish aforesaid, that the said *C. D.* doth not allow unto his said Apprentice sufficient Meat, Drink and Apparel, and without any cause at all doth him immoderately correct, and beat [or turneth out of his Doors, and will not suffer him to abide, &c. as the Case requires.] These are therefore in her Majesty's Name to command you, that some, or one of you, do cause both the said Parties to come before me at *L.* on *Thursday* next, the eleventh Day of this instant *May*, at three of the Clock in the Afternoon, to the end that I may examine the said Matter, and end it if I can. Hereof fail not. Given under my Hand and Seal this eighth Day of *May*, &c.

Note, This Warrant upon Complaint may be made by a Justice of the County or other Head Officer of the place where the Master dwelleth, and if the Justice or Officer cannot agree the Matter, then the Justice or other Head Officer of the Town or place where the said Master dwelleth, shall bind the Master to appear at the next Sessions in the said County, or within the City, Town Corporate or Market Town (if the said Master dwell within any such) where, if it be thought meet, the said Justices, or four of them at the least, whereof one to be of the *Quorum*, or the said Mayor or other Head Officer with the Consent of three of his Brethren, or Men of best Reputation within the said City, Town Corporate or Market Town, have power in Writing under their Hands and Seals to declare that they have discharged the said Apprentice of his Apprentiship and the Cause the reof, 5 *Eliz. cap. 4.* 35.

32) *A Discharge of an Apprentice by four of the Justices.*

Devon. ss. **V**VE E. F. G. H. J. K. and L. M. four of her Majesties Justices of the Peace, &c. for the County of D. aforesaid, having upon Complaint made unto us by A B. an Apprentice, against C. D. his Master, both of the Parish of P. within this County, That the said C. D. his Master hath not allowed to his said Apprentice sufficient Meat, Drink and Apparel, and hath several times immoderately corrected and beaten him without any Cause at all, Ordered the said Parties to appear before us, and having examined the said Complaint, find it to be true, Do therefore think fit to discharge the said Apprentice of his Apprenticeship; And by these Presents under our Hands and Seals pronounce and declare, that we have for the Causes aforesaid discharged the said A. B. the Apprentice of his Apprenticeship, according to the meaning of the Statute in such Case provided. Witness our Hands and Seals this first day of June, &c.

Note, That upon this Discharge or Writing made and enrolled by the Clerk of the Peace or Town Clerk amongst the Records that he keepeth, shall be a sufficient Discharge against the Master, his Executors and Administrators.

And if the Apprentice be found in the Fault, then the Justices, or the Mayor, or other Head Officers with the Assistants aforesaid, shall order him due Correction at their Discretions. See the Statute of 5 Eliz. cap. 4. §. 35.

Note, A Master cannot send his Apprentice beyond the Sea (except he go with him) but may send him in any place in England, 1 Brownl. 67.

By the Custom of London a Man may turn over his Apprentice to another within the City, Goldb. 161.

(33.) A Warrant against a disorderly Apprentice.

To the Constable, &c.

5 Eliz. c. 4. Devon. ff. **F**Orasmuch as Complaint hath been made unto me by *A. B. Blacksmith*, against *C. D.* his Apprentice, both of the Parish of *E.* in this County. That the said *C. D.* is a disobedient and stubborn Servant, and doth very much miscarry and misbehave himself towards his Master. These are therefore in her Majesties Name to command you, that you, some or one of you do cause both the said Parties to come before me, &c. [as before in the Warrant against the Master.] Given, &c.

(34.) A Warrant against an Apprentice for departing his Service.

To the Constable, &c.

5 Eliz. c. 4. Glouc. ff. **C**omplaint having been made unto me this present day by *A. B.* of, &c. that *C. D.* his Apprentice is lately contrary to Law departed from his said Master. These are therefore in her Majesties Name to command and require you, that you, some or one of you, do attach the said *C. D.* when and where he shall be found within your several Limits and Precincts, and thereupon do farther bring him before me or some other of her Majesties Justices of and within the said County, to answer to the Premises, and farther to be dealt withal according to Law. Hereof fail not, &c.

Note, Justices of Peace may award Writs of *Capias* in any County to take Servants where, &c. who flee into other Counties from their own Masters, to bring before them at such time as they will assign, *Crompt. 149. b.* To be directed to the Sheriffs or other Head-Officers.

(35.) A Warrant against a Fugitive Servant.

To the Sheriff of, &c.

Lincoln ff. **W**Hereas *A. B.* being lawfully retained in Service with *C. D.* of, (&c.) is departed from his said Master's Service before the end of his Term without his Master's leave or licence, or without any reasonable cause, contrary to the Laws and Statutes of this Realm; These are therefore in her Majesties Name to command you and every of you, that you, or some one of you do attach the Body of the said *A. B.* and bring him before me, or some other of her Majesties Justices of the Peace of this County of *L.* to find sufficient Sureties well and faithfully to serve his said Master, according to the Covenants between them made, &c. and if he shall refuse so to do, that then you cause him to be conveyed safely to her Majesties Gaol, &c. there to remain till he shall find such Surety as aforesaid, according to the form of the Statute in this case provided; and hereof fail not, &c.

5 Eliz. c. 4.

(36) Against a Servant that departs contrary to his Retainer.

To the Constables, &c.

Midd. ff. **F**Orasmuch as we are informed that *A. B.* was retained with *C. D.* of *E.* for divers years yet to come as his Servant, and that contrary to his Retainer the said *A. B.* is departed from his said Master before the said Term expired, contrary to the Law in that behalf; These are therefore in her Majesties Name to require you immediately upon sight hereof to bring before us or some other Justices of the Peace of this County, the said *A. B.* to answer the Premises, unless he shall be content to serve his said Master willingly, according to the said Retainer; and hereof fail you not, &c.

Upon complaint to 2 Justices, upon proof to commit him to bail, till he shall be

bound to the party to serve and continue, and then to be discharged without any Fee to the Gaoler.

- (37) To command one that works at her own Hands to go to Service.

To the Constables of H. in the County of G.

5 Eliz. 4. 2 Justices. Women of the age of 12, and under 40 unmarried, and out of Service.

A B. and C. D. two of the Justices (&c.) Information being given to us that E. F. of H. is a Person of an able Body, and hath nothing whereby to live that can be seen but her Work, and liveth by working at her own Hands, and refuseth to go to Service, you are hereby required forthwith to give her notice, that she is before Michaelmas next to put her self into Service, according to the Statute in that case provided, and she is hereby required to conform her self hereunto at her peril. Given, &c.

- (38) For disobeying the former Warrant.

To the Constables of D. in the County of G.

Till she shall be bounden to serve,

5 Eliz. 4.

G. ff. VV Hereas upon Information given to us, that E. F. of your Parish of H. a person of able Body, not having any visible Means whereby to maintain her self but her Labour, did refuse to go to Service, and did live by work at her own Hands; We did thereupon order her to put her self in Service before Michaelmas last, which she hath not done, in contempt of Authority; These are therefore to require you to take her the said E. F. and to convey her to Bridewell in Gloucester, and there to remain until she be from thence delivered by order of Law. Given, &c.

- (39) For sending a Servant to her Place at the request of the Overseers.

To the Overseers of the Poor of the Parish of St. Clements Danes, &c.

Midd. ff.

FOrasmuch as you have complained unto us, that A. B. being retained into Service by C. D. of your said Parish for one year not yet expired, is come out of her Service in the said Parish of St. C. D. and

Part II. Apprentices and Labourers, &c.

35

and likely to be chargeable to the same; These are therefore in her Majesties Name to command you and every of you, that you, some or one of you, do forthwith convey the said *A. B.* to her said Master, and deliver her unto him, and to remain with him until she shall be from him lawfully discharged, and in case of refusal of the said *C. D.* to receive the said *A. B.* accordingly, that you, some or one of you do forthwith certifie us, or one of us of the same, to the end that such other Proceedings may be thereupon had, as by Law is required. Thereof fail not. Given under our Hands and Seals, &c.

(40) A *Mittimus* to the House of Correction of such as leave their Service and live idly, upon the Statute of 7 Jac. 4.

To the Keeper, &c.

Devon. ss. I Have sent you herewithal the Body of *A. B.* 7 Jac. 4. in the said County, being an idle, dissolute *made a* and disorderly Fellow, and one that will not keep his *gainst Va-* Service, nor follow any honest course of Life; These *gabonds* are therefore to will and require you to receive the said *and idle* *A. B.* into your Custody, and him safely to keep until *Persons.* he shall be thence delivered by my self, or some other of her Majesties Justices of the Peace of this County, and in the mean time to hold him to such work, and to give him such punishment by putting Fetters and Givies upon him, and by moderate whipping him, as in good discretion you shall find cause, yielding him for his Maintenance only so much as he shall deserve by his Labour and Work, and that at the next Quarter Sessions you have the said *A. B.* together with this our Warrant, and hereof fail you not, &c.

*To the Keeper of House of
Correction of, &c.*

(41) A Warrant for paying Wages.

To the Constable, &c.

Midd. ss. **T**Hese are in her Majesties Name to command you, that you, some or one of you, do cause *A. B.* to come before me, or some other of her Majesties Justices of the Peace of the County aforesaid to answer unto such Matters as shall be objected against him by *C. D.* touching his detention of 30*s.* due unto the said *C. D.* as he saith for Wages, and farther to do and receive as to Justice doth appertain, unless the said *A. B.* shall forthwith pay unto him the said *C. D.* the Wages aforesaid, or do otherwise give Satisfaction unto him for the same; and you are hereby also farther required to give unto the said *C. D.* convenient notice of the time and places, when and where, and before whom you shall cause the said *A. B.* to come by virtue hereof, to the end he may also be then and there present to make appear his due to the Wages aforesaid. Hereof fail not, &c.

(42) Another for Wages.

To the Constable, &c.

Gl. ss. **A.** *B.* having made his complaint to me, that he being hired by *C. D.* of your Parish, the said *C. D.* hath turned him away within his time, and also refuseth to pay him his Wages for the time the said *A. B.* hath served him; These are therefore to require you to warn the said *C. D.* to be before me (such a day) to answer the Premisses, and to warn the said *A. B.* to be then and there also to make good his Complaint; and hereof fail you not, &c.

(43) *A Warrant to levy 40 s. on a Master for putting away a Servant before his Term without a sufficient cause to be allowed by a Justice, &c. or a Quarters warning before the end of the Term.*

Glouc. ss. **F**Orasmuch as it appeareth unto us this day ^{5 Elix. 4.} upon Oath, that *A. B.* of your Town of *A.* Butcher hath put *C. D.* his Servant (lawfully retained with him) out of his Service before the end of the Term agreed, contrary to the Law of the Realm; These are therefore in her Majesties Name to charge and command you and every of you forthwith upon the Receipt hereof, that you levy the Sum of 40 s. by him the said *A. B.* forfeited for his Offence against the Statute in this case provided, by way of Distress and Sale of the Offenders Goods upon his non-payment thereof, rendring to the said *A. B.* the overplus (if any be) and that you bring with you the said 40 s. at the next General Quarter Sessions of the Peace to be holden for these parts of *G.* except the said *A. B.* shall shew good ^{One Justice may allow the Cause.} cause to the contrary to her Majesties Justices of the Peace at *A.* aforesaid, upon *Tuesday* next being the last day of this instant *May*. Hereof fail not at your Perils. Given at the General Quarter Sessions of the Peace at *E.* the first day, &c.

This Forfeiture of 40 s. is 20 s. to the Queen, and 20 s. to the Prosecutor. The Statute says, That the Master, &c. putting away a Servant without cause to be allowed by two Justices, or one at the least, shall forfeit 40 s. unless he be able to prove by two sufficient Witnesses, some sufficient cause before the Justices of Oyer, &c. Ju- ^{Qu. of} stices of Peace in the Quarter Sessions, &c. so that it ^{this.} seems he may at the next Sessions prove his Cause to save the Forfeiture.

(44) A Warrant for Relief of a Servant out of Service.

*To the Constables, &c.*43 Eliz.
cap. 2.

FOrasmuch as complaint is made unto me by *A. B.* that being lawfully retained in the Service of *C. D.* of your Town of *E.* Yeoman, at *Lady-day* was twelve month, and being discharged his Service at *Lady-day* last, hath been at the Statute Sessions and cannot find himself a Service, and is thereby destitute of means to relieve himself; These are therefore in her Majesties Name to charge and command you and every of you, that presently upon receipt hereof you do receive the said *A. B.* into your Town, and set him on work, and provide for him according to the Statute in that case made and provided. Hereof fail not, &c.

Bastardy.

(45) A Warrant against a Person charged to have begotten a Bastard.

*To the Constables, &c.*Lamb.
120
Crompt.
196.

FOrasmuch as upon Examination of *A. B.* of, &c. single Woman this day taken before me; it appeareth that she is at present with Child of a Bastard Child, which when it shall be born, is likely to be chargeable to the Parish where it shall happen to be so born; and forasmuch as upon her said Examination, she hath confessed, that *G. D.* of, &c. did beget her with Child, and hath before me charged him with the same; Therefore these are in her Majesties Name to command you the said Constable, &c. that you, some or one of you do cause the said *G. D.* to come before me, or some other of her Majesties Justices of the Peace, of and within the said County at *L.* aforesaid, then and there to do and receive as by the said Court shall be enjoined him; as also that he shall in the mean time be of Good Behaviour, as well towards

towards her said Majesty as towards all her Liege Subjects, which if he shall refuse to do, that then without expecting any further or other Warrant, you, some or one of you safely convey him to the Gaol aforesaid, and him there deliver to the Keeper of the same, together with this Precept, to receive him into the said Gaol, and him there safely keep until he shall find such sufficient security as aforesaid. Hereof fail not at your Perils. Given, &c.

(46.) *An Order concerning a Bastard Child for the Relief of the Parish, and for punishing the Mother and reputed Father.*

Devon. ss. **T**HE Order of A. B. and C. D. Esquires, ^{18 El.c.3.} two of her Majesty's Justices of the Peace ^{2 Justices,} of the said County, whereof one is of the Quorum, and ^{one of the} both residing in the Limits, where the Parish Church of L. in the said County is, by us made at L. aforesaid, the nineteenth Day of *June*, in the Year of our Lord 1695. according to the form of the Statute in that case made and provided, touching the Male Bastard Child, late born in the Parish of L. aforesaid, of the Body of A. B. of the same Parish, single Woman, the keeping of which said Bastard Child, hath ever since the Birth thereof been, and still is chargeable to the Parish aforesaid, and likely to continue chargeable.

First, Upon examination of the Cause and Circumstances, and due consideration by us had, we do adjudge C. D. late of L. aforesaid, *Husbandman*, the reputed Father of the said Bastard Child; And for the punishment of the said Mother and reputed Father, and for the better relief of the said Parish: We do Order as followeth, That is to say,

We do Order, That the said Mother shall by the Constable, &c. of the Hundred of A. in the said County, or by some or one of them, upon the same Day, between the Hours of nine and twelve in the Forenoon, in the common Highway, at or near the Watch-house in the Parish aforesaid, be stripped naked from the middle upwards, and then and there shall be tied to the Tail of a Cart or Dung-cart, and being so stripped and tied, shall be openly whipped, until her Body be Bloody.

We do also Order, That the said reputed Father shall by the Constable, &c. of the Hundred aforesaid, or by some or one of them upon some Day, between the hours of nine and twelve in the Forenoon, in the common Highway in the Parish aforesaid, over-against the Dwellinghouse of E. F. there be stripped naked from the middle upwards, and then and there be tied to the Tail of a Cart or Dung-cart, and being so stripped and tied, shall be from thence drawn to the Watch-house aforesaid, and on the way well whipped in such manner, as in such Cases is accustomed.

We do further Order, That the said Mother shall within three Days next after notice of this our Order, render her Body to the Constable, or some, or one of them, ready to undergo her punishment before ordered; And that the said reputed Father shall within six Days next after notice of this our Order, render his Body to the said Constable, &c. or some or one of them ready to undergo his punishment before ordered.

We do likewise further Order, That the said reputed Father shall within six Days next after notice given unto him of this our Order pay, or cause to be paid to the Overseers of the Poor of the Parish aforesaid, or to some or one of them 20 s. of lawful Money of *England*, towards the Money by them disbursed before the said notice given, for, or towards the keeping of the said Bastard Child, from the time of the Birth thereof, until the time of giving the said notice, and that upon every *Tuesday*, which shall be next after the end of the said six Days, until the said Bastard Child shall attain unto his Age of ten Years, the said reputed Father shall likewise pay unto the Overseers of the Poor of the said Parish for the time being, or to some or one of them 1 s. 6 d. Weekly of lawful Money of *England*, towards the Charges by them disbursed towards the keeping of the said Bastard Child, between the end of the said six Days, and the time that he shall attain unto his said Age of ten Years.

We do further Order, That the said Bastard Child shall be kept and nursed by the said Mother until he shall attain to the Age aforesaid, and that she, so far as she shall be able, shall during the said time so keep and nurse the same.

We do lastly Order, That both the said Mother and reputed Father shall for ever, from and after such time the said Bastard Child shall attain his said Age of ten Years,

Years, jointly and severally discharge the said Parish of and from all Charges whatsoever, touching or concerning the keeping or relieving of the same. In Witness whereof we have hereunto subscribed our Names, the Day and Year first above written.

(47.) A Warrant to be written under the Order aforesaid, for the giving notice thereof to the Mother and reputed Father by the same Justices.

To the Overseers of the Poor of the said Parish of H. in the County aforesaid, and to every of them.

Devon. ss. THESE are in her Majesty's Name to command you, and every of you, that you, some or one of you do with all convenient speed give or cause to be given notice of this our Order, both unto the Mother and reputed Father therein mentioned; to the end that they and every of them may the better observe and perform the same, and what you shall do in execution of this our Precept, You, some or one of you do certify unto us, or one of us, with all convenient speed, next after your execution of the same, to the end that further proceedings may be thereupon had, as the case shall require, and as to Justice doth appertain. Given under our Hands and Seals at L. aforesaid, the Day and Year first above written.

(48.) A Warrant for punishment of the Mother and reputed Father of a Bastard Child by the same Justices.

To the Constable, &c. of the Hundred of A. and to every of them.

Devon. ss. WHEREAS A. B. of L. in the said County, single Woman, was lately delivered within the said Parish of a Bastard Child, begotten and born out of lawful Matrimony, yet living, and chargeable to the Parish aforesaid, and so likely to continue chargeable, to the great burthen of the said Parish, and in defrauding the

18 Eliz. 3.
2 Justices,
of the
Quorum.

the impotent and aged true Poor of the Parish aforesaid, and to the evil example and encouragement of Lewdness ; and whereas upon examination of the Cause and Circumstance (according to the form of the Statute in that case made and provided,) We have (in and by an Order by us) this present day made and subscribed under our Hands touching the Bastard Child aforesaid, adjudged *A. B.* late of *L.* aforesaid, *Husbandman*, the reputed Father of the said Bastard Child ; And for punishment of the said Mother and reputed Father, according to the form of the Statute aforesaid, We have thereby ordered, That the said Mother shall by you, some or one of you, some Day between the Hours of nine and twelve in the Forenoon, in the common Highway, at or near the Watch-house at, &c. in the Parish aforesaid, be stripped naked from the middle upwards, and then and there shall be tied to the Tail of a Cart, or Dung-Cart, and being so stripped and tied, shall be there openly whipped until her Body be Bloody ; and that the said reputed Father shall by you, some or one of you, between the Hours of nine and twelve in the Forenoon, in the common Highway, in the Parish aforesaid, over-against the House of *E. F.* (there) be stripped naked from the middle upward, and then and there shall be tied to the Tail of a Cart or Dung-cart, and being so stripped and tied, shall be from thence drawn to the Watch-house aforesaid, and on the way well whipped, in such manner, as in such Cases is accustomed ; and that the said Mother shall within three Days next after notice of that our Order, render her Body to you, some or one of you, ready to undergo her punishment aforesaid ; and that the said reputed Father shall within six Days next after notice of our said Order, render his Body to you, some or one of you, ready to undergo his punishment aforesaid ; These are therefore in her Majesty's Name to command you, and every of you, that in case the said Mother and reputed Father, or either of them, shall so render her, his or their Body or Bodies to you, or any of you, as aforesaid, that then you, they or he to whom the same shall be rendred, do with all convenient speed afterwards proceed with effect to execute your, his or their Office, according to the said purport of the Order aforesaid. Hereof fail not at your Perils. Given, &c.

49.) A Warrant and a *Mittimus* by the same Justices against the reputed Father of a Bastard Child, for not obeying the Order made by the Justices.

To the Constable, &c. and to the Keeper of the Gaol, &c.

Whereas by an Order by us made and subscribed under our Hands the tenth day of July last past, touching a Male Bastard Child, late born in the Parish of L. in the said County, of the Body of A. B. of L. aforesaid single Woman (chargeable to the Parish aforesaid,) We have adjudged C. D. late of L. aforesaid Husbandman, the reputed Father of the said Bastard Child; and for punishment of the said reputed Father, according to the form of the Statute in that case made and provided (among other things in the said Order contained,) have ordered, that he should by you the said Constable, &c. or by some one of you, upon some day between the hours of nine and twelve in the Forenoon, in the common Highway, in the Parish aforesaid (over against the House of F.) there be stripped naked from the middle upwards, and then and there shall be tied to the Tail of a Cart or Dung-cart; and being so stripped and tied should be from thence drawn to the Watch-house, and on the way well whipped, in such manner, as in such Cases is accustomed; and that he should within six Days after notice of our said Order, render his Body to you the said Constable, &c. or some, or one of you, ready to undergo his punishment before us; And whereas it hath been duly proved before us; That after the making of the said Order, and by the space of six Days and upwards, before the day of the date hereof, the said C. D. (as aforesaid, the reputed Father of the said Bastard Child) had notice of the said Order; and yet notwithstanding hath not hitherto rendered his Body to you the said Constable, &c. or any of you, according to the purport of the same, and so hath not for his part observed and performed the Order aforesaid; These are therefore in her Majesty's Name to command you the said Constable, &c. and every of you, that some or one of you do attach the Body of the said C. D. and him deliver to the said Keeper of the Gaol aforesaid, to be by him kept in the

18 El. c. 3.

Upon refusal to be

committed

without

Mainprise,

18 El. c. 3.

the same, without Bail or Mainprize, except he shall put in sufficient Surety to perform the said Order, or else personally to appear at the next General Sessions of the Peace, to be holden in the said County, and there to abide such further Order as the Justices of the Peace of the County aforesaid, or the major part of them, then and there shall make in that behalf, if they then and there make any; and that if at the said Sessions the said Justices shall make no Order, then to abide and perform the Order before made, as is abovesaid; commanding also you the said Keeper of the Gaol aforesaid to receive the said C. D. into the same, and him there safely keep, according to the purport and tenor of this Precept. Given, &c.

Note, Some are of Opinion this Commitment may be made by any two Justices, whereof one of the *Quorum sed Quare.*

(5.) For maintenance of a Bastard Child left to the Parish, the reputed Father or Mother having wherewith in the said Parish.

To the Churchwardens and Overseers of the Poor of the Parish of L. in the said County, and to every of them.

13 & 14
Car. 2.
cap. 12.
§. 19.
2 Justices.
1 of the
Quor.

FORasmuch as upon your complaint unto us, it appeareth that *A. B.* of, &c. the reputed Father of Bastard Child, born in the Parish aforesaid, hath lately run away out of the said Parish, and left the said Bastard Child upon the Charge of the Parish aforesaid, although the said *A. B.* hath Estate sufficient to discharge the said Parish; These are therefore in her Majesty's Name to require and authorize you, and every of you, that you some or one of you do seize and take so much of the Goods and Chattels, and reserve so much of the Annual Rents and Profits of the Lands of the said *A. B.* as will amount unto the Sum of, &c. which we do, according to the form of the Statute in that case lately made, order you to take and receive for and towards the discharge of the said Parish, for the bringing up and providing for the said Bastard Child. Given under our Hands the, &c.

Note. This Order must be confirmed at the Sessions
18 El. cap. 3. 3 Car. 1. cap. 4.

(51.) *A Condition of a Recognizance to answer concerning a Bastard Child, and to be of Good Behaviour.*

THE Condition of, &c. is such, that whereas the within bounden *A. B.* is charged by *C. D.* of, &c. single Woman, with the having of several times had carnal knowledge of her Body; and that the said *C. D.* is with Child by the said *A. B.* If therefore the said *A. B.* shall and do personally appear before her Majesty's Justices of the Peace, at the next General Sessions of the Peace, to be holden for the within written County of *Devon*, at *L.* in the said County, then and there to do and receive, as by the said Court shall be adjudged him in this behalf, and in the mean time to be of Good Behaviour towards the Queen's Majesty and all her Liege People. That then, &c.

(52.) *A Mittimus of the reputed Father of a Bastard Child upon his refusal to give Security to appear, &c.*

Devon ss. **I** Send you herewithal the Body of *A. B.* of *C.* Taylor, brought before me this present Day, and charged by *C. D.* of, &c. single Woman, with the having of several times had carnal knowledge of her Body, and to have gotten her with Child. And for that the said *A. B.* refuseth to put in Security for his appearance at the next Quarter Sessions; and to the end he may be forth-coming whenas Order shall be taken for the relief and discharging of the said Town of *E.* and for keeping of the said Child when it shall happen to be born, according to the Statute in that Case made and provided. These are therefore in her Majesty's Name to charge and command you, that immediately you receive the said *A. B.* and him in your Gaol safely keep until such time as he shall be from thence delivered by due Order of Law. Hereof fail not at your peril, &c.

(53.) A *Mittimus* of the Mother to the House of Correction.

To the Constable, &c. and to the Keeper of the House of Correction, &c.

7 Jac. 1. *Devon. ss.* **F**Orasmuch as C. D. of the Parish of, &c. hath
c. 4. s. 7. lately had a Bastard Child which may be
a Justices. chargeable to the said Parish. These are therefore in
her Majesty's Name to command you the said Constable
and Bursholders, and every of you, that you, some or
one of you, do take the said C. D. and her safely convey
to the aforesaid House of Correction, and there to deliver
her to the said Keeper of the same together with this
Precept, commanding also you the said Keeper to receive
her into the said House, and there punish and set
her on work during the Term of the whole Year according
to the form of the Statute in that Case made and
provided. Hereof fail not at your Perils. Given under
our Hands and Seals, &c.

Note, A *Mittimus* may be made for a Woman that runneth away and leaveth her Bastard; and so of any mean person that shall but threaten to run away and leave their Family, by two Justices upon Oath by two Witnesses, *Dalt.* 385.

Note, By 18 *Elix.* Two Justices (one of the *Quorum*) may make Order for the punishment of the Mother and reputed Father, and relief of the Child, &c. and if the reputed Father or Mother will not perform their Order, to commit the Party to Ward without Bail or Mainprise till sufficient Security given to perform that Order, or to appear at the Sessions to perform the Order of Sessions, &c. so that the Security here avoids not the punishment.

By 7 Jac. 1. c. 4. The Justices shall commit every lewd Woman that shall have any Bastard which may be chargeable to the Parish, to the House of Correction to be punished and set on Work for one whole Year; and if

* *Note,* If she shall * oftentimes offend, to commit her to the House of Correction to remain till she put in good Security held she for her Good Behaviour not to offend so again. Here shall not

be punished upon this Statute for the second Offence, unless she had been before questioned and punished for her first Offence, 2 *Bulstr.* 349.

Security

Security discharges the Punishment; The Cause of Commitment ought to be mentioned in the *Mittimus*, that it may appear if the Prisoner be bailable or no. See 2 *Bull.* 48.

54) A Warrant to send one begotten with Child to her Master where she last dwelt, she being not lawfully discharged from his Service.

To the Constable, &c. and to the Churchwardens and other the Overseers of the Poor of the Parish of C. in the County aforesaid, and to every of them.

Devon. ss. **F**ORasmuch as *E. K.* of, &c. single Woman, Servant to *C. D.* of *F.* was begotten with Child by *J. H.* of *E.* with which Child she now goeth. And forasmuch as she was never yet lawfully discharged from her said Service, but put thence before her time of Covenant was expired, and without lawful Warning. These are, &c. to will and require you the said Constable, &c. and other the Overseers to carry her the said *K.* to her said Master. And also do will and command you the said *C. D.* to receive her into your said Service, and her keep until she be delivered of her said Child, and discharged out of her said Service by due Order of Law. And hereof fail you not at your Peril. Given, &c.

55) A Warrant where a Maid Servant is got with Child, and from thence sent to the place of her Birth.

To the, &c.

FORasmuch as *A. B.* for the space of ——— years now *See 2 Bull.* last past, hath dwelt in the Parish of *C.* in the said 341, 348, County of *D.* and being there settled in Service with *E. F.* 350, 455. was gotten with Child, and being so with Child now sent or conveyed to the Town of *G.* under colour that she was there born, to the burthening the said Town and contrary to Law. These are therefore in her Majesties Name to charge and command you safely to convey the said *A. B.* to *G.* aforesaid, there to be set on Work, or other-

otherwise to be provided for according to Law, and that you deliver and leave or offer to leave the said *A.* to and with some one of the Churchwardens and Overseers of the Poor of the Parish of *G.* aforesaid. And hereof fail not at your Peril. Given, &c.

(56) *An Order for a Bastard.*

Inprimis, **U**PON the Examination of the said *A. B.* duly by us taken, we do find, that the said *C. D.* is charged to have had divers times bodily and carnal knowledge of her (between such time) and to be the only Father of the said Bastard Child, &c. and therefore we do order and adjudge him to be the reputed Father of the said Child.

We do farther order as followeth: First, That the said *C. D.* shall keep the said Child, till it comes to eight years of Age.

Secondly, That the said *C. D.* upon Notice of this Order shall after such Notice pay into the Hands of one of the Overseers of the Poor of (for the time being) after the rate of 18*d.* every Week, to be paid monthly every year, towards the relief of the said Child, until it comes to eight years of Age.

Thirdly, That after the Child shall come to eight, &c. that the said *C. D.* pay to the Overseers, &c. 5*l.* towards the putting out of the said Child to be an Apprentice, &c.

Fourthly, That the said *C. D.* presently give Security to one of the Overseers, &c. to perform this Order.

Bailment.

(57) Bailment of a Felon with a Conditional Recognizance in Latin.

2 Justices, Sarr. ff **M**Emorandum, quod primo die mensis Novemb. Ann. 1 of the Regni Dom. nostræ Annæ, &c. venerunt coram Quorum, nobis *A. B. & C. D.* duobus Justic. dict. Dom. Regine ad Pa en in Com. præ l. conservand. assignat. (apud L. in Com. præ d.) *E. F. & G. H. de, &c.* in dict. Com. Yeomen, & ceperunt in Balliun usqu

Note, 'Tis Felony to acknowledge a Recognizance or Bail in the Name of a person not consenting thereto, 21 Jac. 1. cap. 26.

A single Recognizance before one Justice.

The Condition of this Recognizance is such, &c. See after, *numb.* 60, 132, 133, 134.

(59) A double Recognizance before two or more Justices.

Surr. ff. **M**emorandum, quod primo die Aprilis Anno, &c.
quinto A. B. de, &c. C. D. de, &c. & E. F.
de, &c. personaliter vener. coram nobis G. G. & J. K. Justic.
dict. Dom. Reg. ad pacem suam in Gom. suo præd. conservand.
assign. & recogn. se debere eidem Dom. Reginae modo & forma
sequen. viz. præd. A. B. viginti libr. legalis moneta Angl. &
uterque præd. C. D. & E. F. decem libr. consimilis moneta de
D d separabilibus

separalibus bonis & catallis terris & tenementis suis separaliter fieri & levare ad opus & usum dict. Dom. Reg. Hæred. & Successor. suorum si defalt. seret in performance Conditionis indorsat.

(60) *A Condition of Evidence.*

THE Condition of this Recognizance is such, That if the within bound *A. B.* do personally appear before her Majesties Justices of Gaol Delivery at the next General Gaol Delivery to be holden for the within named County of *S.* and do then and there give such Evidence as he knoweth against *L. M.* concerning the Matters wherewith he is charged, as well to the Jurors that shall enquire thereof on the behalf of our Lady the Queen, as also the Jurors that shall pass upon the Tryal of the said *L. M.* for the same; That then this Recognizance shall be void, or else it shall stand in full force.

If it be to appear at the Sessions, say,

Do personally appear before her Majesties Justices assigned to keep her Peace in the within named County of *S.* at the next General Sessions of the Peace to be holden for the said County at *N.* in the County aforesaid, and do then and there give such Evidence, &c. [as above.]

And so of the like, as for the appearance of a Felon or one taken upon suspicion, &c. to appear at the next General Gaol Delivery or Sessions, [as the Case is.] See the Statutes of 1 & 2 Ph. & Mar. c. 13. 3 H. 7. c. 3. 1 R. 3. c. 3. 27 Ed. 1. c. 3. 5 Ed. 1. c. 15. 31 Car. 2. c. 2.

(61) *A Warrant to bring a Prisoner to Bail.*

To the, &c.

THESE are to charge and require you to bring before me the Body of *A. B.* now in your Custody to be bailed as Law requireth, whereof fail you not, &c. Given, &c.

Behaviour

Behaviour.

(62) A Warrant for the Good Behaviour.

To the Constables, &c. of the Hundred of A. and to every of them, and to the Keeper of her Majesties Gaol for the said County at L. in the County aforesaid.

FOrasmuch as *A. B.* of, &c. These are therefore in her Majesties Name to command you the said Constable; &c. that you, some or one of you, do cause the said *A. B.* to come before me, or some other of her Majesties Justices of the Peace, of and within the said County to find sufficient Security, as well for his Appearance at the next General Sessions of the Peace, to be holden for the said County at *L.* aforesaid, then and there to do and receive, as by the said Court shall be enjoined; As also that he shall in the mean time be of Good Behaviour, as well towards her said Majesty, as towards all her Liege People; which if he shall refuse to do, that then, without expecting any farther or other Warrant, you, some, or one of you, safely convey him to the Gaol aforesaid; and him there deliver to the Keeper of the same, together with this Precept, commanding also you the said Keeper to receive him into the said Gaol, and there safely keep him until he shall find such sufficient Security as aforesaid. Hereof fail not at your Perils. Given, &c.

(63) A *Mittimus* to the Gaol for one that refuses to find Sureties for his Good Behaviour.

To the Keeper of Her Majesties Gaol for the said County at L. in the County aforesaid; or to his lawful Deputy there.

Devon. ss. **I** Send herewithal the Body of *A. B.* &c. for that he refuseth to find sufficient Sureties to be of Good Behaviour towards her Majesty and all her Liege People; and to appear at the next General Sessions for the Peace, to be holden for this County at *L.* aforesaid, strictly charging and commanding you in the Name of our Sovereign Lady the Queen to receive him the
D d 2 said

said *A. B.* into safe Custody, and him safely keep in the said Gaol, until he shall find Sureties as aforesaid. Hereof fail not at your Perils. Given, &c.

Bridges.

(64) A Warrant for a Tax for the County Bridge.

To the Constable of the Hundred of A. and to A. B. C. D. &c. Inhabitants of the said Hundred, and to every of them.

Devon. ss. **W** Hereas the several Bridges of *A. B. C. D.* within the said County, were lately in great decay and unrepaired : And by an Order made at *B.* in the County aforesaid, the said Decays and Reparations were ordered to be amended at the Charge of the said County, and have lately been amended accordingly, the proportionable part of which said Charge thought fit to be imposed upon the Division, &c. doth amount unto the Sum of 40*l.* of lawful Money of England and the proportionable part of the same thought fit to be imposed upon the said Hundred doth amount unto 40*s.* of like Money. These are therefore in her Majestie's Name to command you the said Constable and Inhabitants, that you, or any three of you at the least, whereof you the said Constable shall be one ; do forthwith, after publick notice before given, as is usual in other Taxations, make a Taxation of all and every the Inhabitants of the said Hundred, as in such case hath been formerly accustomed for the raising of the said Sum of 40*s.* impose upon the said Hundred as aforesaid. And that you do bring the said Taxation fairly written, summed and transcribed with your Names, or the Names of any three of you, whereof the said Constable to be one, unto us, or some of us, at the House of, &c. on *Tuesday* the first day of *July*, by Nine of the Clock in the Forenoon of the same day. To the end that we may farther proceed therein, as to Justice doth appertain. Given under our Hands and Seals, &c. the, &c.

(65) A Warrant to collect a Taxation for
County Bridges.

*To A. B. and C. D. Inhabitants of the Hundred of A. in
the said County, and to either of them.*

THese are in her Majesties Name to command you, ^{22 H. 8.}
that you do forthwith collect and gather the sever- ^{cap. 5.}
al Sums of Money specified in the Taxation herewithal ^{4 Justices,}
delivered unto you, of the several persons therein men- ^{1 Quorum.}
tioned, to be taxed upon them for the purpose in the said
Taxation specified, and that you do pay the same unto
C. D. whom we have appointed general Receiver of the
Money raised for the purpose aforesaid, within the Di-
vision of the several Hundreds on or before the sixth day
of April next, deducting out of the same only 20 s. as
by us allowed unto you for and towards your pains in
collecting and paying the same. And in case of refusal
or neglect of payment of any of the said parties so taxed
of the Money so taxed as aforesaid, after demand made
thereof by you, or either of you, that then you do cer-
tify to us, or some or one of us, the Names of the said
persons, so refusing or neglecting, with all convenient
speed; to the end that farther Proceedings may be there-
upon had as to Justice doth appertain. Given under our
Hands and Seals, at, &c.

(66) A Warrant upon Non-payment of Mo-
neys taxed to repair Bridges.

*To the Constables, &c. of the Hundred of A. and to every
of them.*

Devon. ff. **F**Orasmuch as Complaint hath been made unto ^{4 Justices,}
us by A. B. and C. D. by us appointed Col- ^{as before.}
lectors and Gatherers of the Money imposed upon the
said Hundred, for and towards the Reparations of the
several Bridges of E. F. and D. in the said County, that
the several persons, whose Names are here under-writ-
ten, have refused to pay unto them the several Sums of
Money adjoined to their several Names, being taxed upon
them for the purpose aforesaid, although the same have
duly been demanded of them. These are therefore in
D d 3 her

her Majesties Name to command you, that you, some or one of you, do cause the said several persons to come before us, or one of us, or some other Justices of the Peace of the said County to answer the Premisses; and farther to do and receive, as to Justice doth appertain, unless they shall forthwith pay the said Moneys unto you, some or one of you, which if they shall so do, that you so receiving the same, do forthwith pay the said Moneys so received unto the said A. B. and C. D. or one of them, to the end the said Money may be by them paid over to the General Receiver of the Moneys raised for the purpose aforesaid, by us formerly appointed. Hercof fail not at your peril. Given, &c.

A. B. E. F.
C. D. G. H. &c.

Or thus.

These are therefore in her Majesties Name, to command you, that you, some or one of you do forthwith levy the said several and respective Sums of Money by Distress and Sale of the several and respective Goods of the said several and respective Offenders rendring to them the Overplus. And in defect of such Distress, that then you, or some or one of you, do certifie the same unto us, to the end there may be such farther proceeding touching the Premisses, as to Justice doth appertain. Given, &c.

Butter and Cheese.

(67) A Warrant to levy the Penalties forfeited by the Act concerning Butter and Cheese.

To the Constable and Bursholders, &c.

4 & 5 W.

& M. c. 7. K. ff.

One or more

Justice.

One of one

or more

Witness.

FOrasmuch as it hath been duly proved before me, that A. B. of, &c. at C. in the County aforesaid, did upon the 10th day of July last past pack up and mix bad and decayed Butter with sound and good, after the same was brought and marked by the Buyer [or any other Offence in the said Act, as the Case may be]

contrary

contrary to an Act of Parliament lately made, For preventing Abuses committed by Traders in Butter and Cheese, These are therefore in her Majesty's Name to charge and command you, and every of you, that you, some or one of you, do, so soon after the Receipt hereof as conveniently may be, levy the Sum of 20 l. by Distress and Sale of the Goods and Chattles of the said A. B. for so much by him forfeited (in the false packing and mixing of twenty Firkins of Butter contrary to the said Act) according to the Rate and Penalty therein and thereby appointed to be inflicted on such Offenders [or any other Offence in the said Act (*mutatis mutandis*) as aforesaid.] And that after your reasonable Charges in and about the said Distress and Sale, as aforesaid, deducted, you shall and do then immediately restore the Overplus thereof unto him the said A. B. and pay the Monies so to be levied as aforesaid, according to the directions of the said Act, Given, &c.

Carriages.

(68.) A Warrant to provide Carriages for the Queen, &c. in her Progress and Removals.

To the Constable, &c.

Devon. ss. **W**Hereas we have by Warrant from the 1 Jac. 2. *Green Cloth* received Notice to provide cap. 10. Carts and Carriages from the places adjacent for the Two or present Service of her Majesty, according to the form more Ju- of the Statute in that Case made and provided. These *lices* upon are therefore in her Majesty's Name to will and require three Days you, and every of you, that you, some or one of you notice at do cause six sufficient Carriages within the said Hun- least. dred, each Carriage to consist of four able Horses, or 6 d. a mile six Oxen, or four Oxen and two Horses to be and at- laded, rean- tend for the Service aforesaid at A. in the said County dy Money upon the third Day of May next ensuing, at six of the tendred at Clock in the Forenoon of the same Day. Hereof fail place of not at your Perils. Given, &c. lading.

Not enfor-

ced to travel above one Days Journey 40 s. Forfeiture for refusal of appear-
ance, &c.

D d 4

To

(69.) To provide Carriages for her Majesty's Navy.

To the Constables, &c. of the Hundred, of A. in the said County, and to every of them.

13 & 14
Car. 2.
cap. 20.
1 Jac. 2.
cap. 11.
2 Justices
Rates as
before.

Devon. ss. **W**Hereas we have received Notice in Writing under the Hands and Seals of the Lord High Admiral of *England*, [or two or more of the principal Offices of her Majesty's Navy, or Master of her Majesty's Ordnance, or Lieutenants of her Majesty's Ordnance, as the Case is] for providing of Carriages for the Service of her Majesty's Ordnance. These are therefore in her Majesty's Name to require you, and every of you, that you, some or one of you, do cause to be sent to *A.* in the County aforesaid, two Carriages on the seventh Day of *August* next ensuing, furnished with Horses or Oxen, sufficient for the said Service. Hereof fail not at your Perils. Given, &c.

Note, This Act is continued for seven Years, from the 29 of *Sept.* 1700. and to the end of the next Session of Parliament by 11 & 12 *W.* 3 c 13.

(70.) A Warrant to levy 40 s. for not appearing with Carriage for the Queen in her Progress.

To the Constables, &c.

1 Jac. 2.
Oath of
the Constable
or other
Officer or
two credible
Witnesses.

Devon. ss. **F**Orasmuch as it hath been duly proved before us, That *J. S.* of *T.* in the said County was by you, some or one of you, required to be and attend for her Majesty's Service, according to the Statute in that Case made and provided, with one Carriage to consist as by the said Act is directed, at *A.* in the County aforesaid upon the third Day of *May*, at six of the Clock in the Forenoon of the same day. And that the said *J. S.* did make default therein, and hath thereby forfeited the Sum of 40 s. These are therefore in her Majesty's Name, to command and require you and every of you, that you, some or one of you, do by Distress and Sale of the Goods and Chattels of the said *J. S.* levy

S. levy to her Majesty's use 40 s. for the Offence aforesaid, rendring to the said J. S. the Overplus (if any shall be.) Hereof fail not at your Perils. Given, &c.

(71.) A Warrant against those that refuse to provide Carriages for her Majesty's Service of Navy or Ordnance.

To the Constable, &c. of the Hundred of D. in the said County, and to every of them.

Devon. ss. **F**Orasmuch as it hath been duly proved before us, that *A. B.* of &c. having had sufficient Notice to bring one Carriage to *L.* upon the twentieth Day of *April* last past, for the Service of her Majesty's Ordnance, according to the form of the Statute in that behalf lately made, and hath refused so to do, by which he hath forfeited 20 s. to her Majesty's use. These are therefore in her Majesty's Name to require you, and every of you, that you, some or one of you, do demand of the said *A. B.* to her said Majesty's use, the aforesaid 20 s. And in default of payment upon demand, that you, or some or one of you do forthwith levy the said 20 s. to the use aforesaid, by Distress and Sale of the Goods of the said *A. B.* rendring to him the Overplus of such Sale (if there shall be any) the Charge of distraining being first deducted. Hereof fail not at your perils. Given, &c.

13 & 14
Car. 2.
cap. 8.
1 Jac. 2.
cap. 11.
2 Justices,
By Oath of
the Officer
or two o-
ther cre-
dible Wit-
nesses.

Note, The same Statute provides, That if any person shall take above 6 d. per Night for a Bed of her Majesty's Servants, or above 3 d. per Night for every Bed they shall use for their Servants, (and where her Majesty's Servants shall pay for their Dyet, or for Hay and Provender for their Horses, convenient Lodging shall be provided for themselves and their Servants without paying for the same) the price of Hay and Oats and other accommodation for Horses to be appointed by two or more Justices near adjoyning to the Road through which her Majesty shall pass, which the Justices shall cause to be proclaimed in the next Market Town, and in the Neighbouring Towns and Villages, as to them shall seem meet, one Day at the least before her Majesty's coming (shall forfeit to the Party grieved

See after
tit. Rates.

40 s. upon Confession of the Party, or Conviction upon Oath by one credible Witness before any one Justice to be levied by Distress by Warrant from the said Justice, returning the Overplus, Charges being deducted.

Also the Justice that shall take Gift or Reward, or spare any person from making Carriage as aforesaid, or grieve any person through Hatred or ill Will who ought not to make such Carriage, or impress more than directed, shall forfeit 10 l. to the party grieved, or any who shall sue for the same in any of her Majesty's Courts of Record.

12 Car. 2.
cap. 24
§. 13, 14.

And such as impress Cart or Carriage without lawful Authority shall incur the penalty in the Statute of 12 Car. 2. viz. *To be committed by two Justices to Gaol till the next Sessions, and to pay treble Costs and Damages to the Party grieved.*

(72.) A *Mittimus* for one that shall impress Carts, &c. without lawful Authority.

To the Constables, &c. and to the Keeper, &c.

Devon ff. **F**Orasmuch as it hath been made appear unto me upon the Complaint of *A. B.* of, &c. in the County aforesaid, that *C. D.* of *E.* hath impressed a Cart for Carriage of her Majesty's Provisions without Consent of the Owner on pretence or colour of a Warrant from the *Green Cloth*, (contrary to the intent of the Statute in that Case made and provided.) These are therefore in her Majesty's Name, at the request of the said *A. B.* to will and require you the said Constables &c. and every of you, that you, some or one of you do take the said *C. D.* and him to deliver to the said Keeper of the Gaol aforesaid together with this Precept requiring and commanding also you the said Keeper to receive the said *C. D.* into the Gaol aforesaid, and him there safely to keep until the next Sessions. And thereof fail not, &c. See after Tit. Waggon.

(73.) Capias.

A NNA Dei Gratia, Angliæ, &c. Vic. Com. Devon.
 Salut. Præcipimus tibi quod non omittas propter aliquam libertat. in Balliv. tua quin eam ingred. & capias Joannem L. in Com. tuo Yeoman, &c. si invent. fuerit in balliva tua, & eum salvo Custod. fac. ita quod Habeas corpus eius coram A. B. & C. D. duobus Justic. nostris ad pacem conservand. nec non ad diversas Felon. Transgres. & alia malefacta eodem Com. tuo perpetrat. audiend. & terminand. Assign. pud L. in Com. tuo, 13 die Martij prox. futur. ad respond. abis de diversis Transgr. Contempt. & offensis, de quibus ipse iudicat. existit, & habeas ibi tunc hoc Breve. Teste, &c. —
 tertio die Martij, &c. Ann. Reg. nostri, &c. septimo.

Return of a Capias, Per non est invent.

A D quem diem A. B. Armiger Vic. Com. præd. retorn. quod ipse non est invent. in Balliva sua, & ipse non venit. Ideo præcept. est Vic. sicut alias, &c.

Alias Capias.

A NNA, &c. Vic. Præcipimus tibi sicut alias tibi præcepimus, quod non omittas, &c. ut supra.
 Ad quem diem, &c. — & ipse non venit. Ideo præcept. est Vic. sicut Pluries, &c.

Pluries Capias.

A NNA, &c. Vic. &c. Salut. Præcipimus tibi sicut pluries tibi præcepimus, quod non omittas, &c. ut supra.
 Ad quem diem, &c. A. B. Armiger Vic. Com. præd. retorn. quod præd. C. D. non est invent. in, &c. & ipse non venit. Ideo præcept. est, &c. quod exigi fac. &c.

Certiorari.

(74.) *The Return of a Certiorari.*

UPon the back side of the Writ indorse these or the like Words;

Executio istius Brevis patet in quadam Scheda eidem Brevis annexata.

A. B. Armiger Vic.

Certificate.

(75.) A Certificate of a Record of an Indictment taken in the County, into the Court of Chancery.

EGO Will. Bragg, unus Custod. Pacis ad Justic. Dom. Reg. ad pacem in dict. Com. Devon. conservand. nec non ad diversa Felon. Transgr. & alia malefacta in eodem Com. perpetrata audiend. & terminand. assign. virtute istius Brevis mihi deliberati, indictamentum illud (unde in dicto Brevis fit mentio) una cum omnibus indictamentum illud tangentibus, in Cancellar. dict. Dom. Reg. distincte & aperte sub sigillo meo certifico. In cuius rei testimonium ego pref. W. B. his presentibus sigillum meum apposui. Datum apud A. tertio die mensis Martii. Ann. Reg. &c. primo.

Coals.

(76.) A Warrant on Complaint touching Coals.

To the Constables, &c.

16 & 17 Midd. ff. **T**Hese are in her Majesty's Name to require
Car. 2. you to cause J. S. of T. to come before us
cap. 2. A. B. and C. D. two of her Majesty's Justices of the
2 Justices, Peace of this County at the House of E. &c. to answer
such Complaint against him for Offences against an Act of

of Parliament lately made, Entituled, *An Act for the re-* Revised
gulating the Measure and Prices of Coals, as hath been made by 2 W. &
 into us. And further to do and receive as to Justice M. cap. 7.
 both appertain. Hereof fail not, &c.

Note. Sea Coals brought into the *Thames* must be sold by the Chaldron containing 36 Bushels heaped up according to the Bushel sealed at *Guild-Hall, London*.

Scotch Coals and other Coals sold by Weight after the proportion of 112 Pounds to the Hundred of *Averdupois* Weight without fallacy or deceit.

(77.) A Warrant for delivering to the Informer a Moiety of the Coals, and other Forfeitures upon selling Coals contrary to the Statute.

To the Constables, &c.

Midd. ss. **F**Orasmuch as *J. S.* is duly convicted before us *A. B.* and *C. D.* two of her Majesty's Justices of the Peace of this County, according to the form of the Statute in that behalf made, Entituled, *An Act for regulating the Prices and Measures of Coals*, That he the said *J. S.* did lately sell or expose to Sale twenty Chaldron of Sea-Coal, *Scotch* Coal, &c. of the value of, &c. contrary to the form of the Statute aforesaid. These are therefore in her Majesty's Name to will and require you to seize the Coals aforesaid, and the double value thereof. And that you do deliver one half of the Coals and Value aforesaid unto *T. T.* being the person prosecuting in this behalf, to his use; and likewise that you do imploy and dispose the other half of the same to and for the use of the Poor, or repairing of the Highways of the Parish of *W.* where the said Offence was committed. Hereof fail not, &c.

(78.) A Warrant to empower others to enter into the Wharf, &c. and to sell the Coals at the Rates set by the Justices, the Retailer refusing so to sell.

To the Constable, &c.

16 & 17
Car.2.c.2.

3 Justices,
1 Quo-
rum.

Midd. ss. **F**ORASMUCH as according to an Act of Parliament lately made, Entituled, *An Act for regulating the Measures and Prices of Coals*, we did appoint and judge reasonable, that Coals coming into the River of *Thames* within this County, and sold by Retail should be sold at the Rate and Price of _____ by the Chaldron. And forasmuch as *G. F.* an Irgrosser [or Retailer] of such Coals doth refuse to sell as aforesaid. We therefore, according to the said Act appoint and empower *J. K.* and *L. M.* jointly or severally to enter into the said Wharf [or place] where the said Coals are stored up, and in case of refusal to take a Constable to force entrance (which Constable is hereby required to act accordingly) and upon the said *J. K.* and *L. M.* jointly and severally are hereby further appointed and empowered the said Coals to sell or cause to be sold at the Rates aforesaid, rendering to the said *G. F.* the Money for which the Coals shall be so sold, necessary Charges being deducted, for all which this shall be your sufficient Warrant. Given, &c.

Note, By the Statute of 30 *Car. 2. cap. 8.* Every person having a Hand in removing or altering the Measures set upon the Measures for Coals at *Newcastle* upon Tyne upon proof thereof by one Witness before a Justice of Peace, shall forfeit 10 *l.* to be levied by Distress and Sale of Goods, and for want of Distress to be committed to Gaol for three Months without Bail.

Constables.

(79.) A Warrant for making Constables.

To A. B. C. D. &c.

THese are in her Majesty's Name to charge and com-^{13 & 14}
mand you to make your repair unto us, or to some ^{Car. 2.}
other Justice of Peace of this County to take the Oath ^{cap. 12.}
of a Constable to serve her Majesty in the Town of S. ^{S. 15.}
And hereof fail not, dated, &c. ^{2 Justices.}

If they were chosen at the Leet, then say, according
to the Choice made of you by the Jury at the last Leet
holden in your Town: Or, you being chosen and or-
dered by the Leet of your Town to undertake the same
Office.

In Case of necessity one Justice may order the Inhabi-
tants to appear that he may make Choice, as thus :

To A. B. C. D. &c. *Inhabitants of, &c.*

WHereas *A. B.* of your Town of *C.* the now Constable
thereof is by reason of his Age and Impotency very
unable and insufficient to execute the said place. These
re, &c. to charge and command you, whose Names are
above written, to come and appear before me at my
House at *E.* in the same County, on *Munday* next, which
will be the One and twentieth Day of this Instant
August, by ten of the Clock in the Morning, that I
may make choice of one of you to be Sworn to under-
take the same Office. And hereof fail not, &c.

(80.) A Warrant to remove a Constable and
Swear another.

ANNA Dei gratia, &c. Viccom. Devon. necnon ca-
pituli Constabul. Hundredi de A. & eorum cuilibet,
Salut. quia A. B. & C. D. Constabular. Vill. de F. &
E. G. certis de causis nos movent. ab officio suo amoveri &
exonerari fecimus: Ideo vobis & cuilibet vestrum, conjunctim &

& diffim præcipimus & mandamus, quod H. J. & K. ad omnia & singula eidem Officio incumbentiæ bene & fide ter exercenda & exequenda (prout ipsi nobis inde respond voluerint) jurare faciatis; distis A. B. & C. D. similiter jungentes, quod ipsi de dicto Officio ulterius exercendo & exequendo nullatenus se intromittant, quousque aliud de nobis habuerint mandatum. Et quicquid inde feceritis, Justiciariis vestris ad pacem nostram in dicto Com. conservand. Assign. prox. general. Sessionem Pacis apud A. in dicto Com. tene certificetis, hoc præceptum nostrum tunc & ibidem remittent. Teste Willielmo Bragg Armig. uno Justic. nostrorum presentali die, &c.

Charges.

(81.) A Warrant for a Constables Charges by Tax.

To A. B. E. F. G. H. I. K. L. M. and N. O.

13 & 14

Car. 2.

cap. 12.

§. 18.

2 Justices,

Dalt. 165.

3 Jac.

cap. 10.

43 El. 1, 2.

Devon. ss. **F**Orasmuch as we are informed by A. B. Constable of the Hundred of H. in the Cour afore said, that he hath necessarily disbursed for and the behalf of the Inhabitant of the Hundred afore said in the Execution of his said Office, in and about the Service of her Majesty, several Sums of Money, and for his Reimbursement of the same, hath craved from such assistance, as hath been in such Cases accustomed. These are therefore in her Majesty's Name to require and authorize you, the Inhabitants of the Hundred afore said, whose Names are hereunder written, or the greater number of you to take and examine the account of the said Constable touching the Premises; and to give this reimbursement of such Money as you, or the greater number of you, shall find upon the said account to have been by him necessarily so disbursed as afore said, that you, or the greater number of you do forthwith make a Tax or Assessment of and upon all and every the said Inhabitants of the said Hundred, in such manner as hath formerly in such case been accustomed within the same; and to authorize you the said Constable to demand, collect and gather the said Money taxed and assessed; and in case of refusal of payment thereof unto you, that then you do return unto us,

Some other of her Majesty's Justices of the Peace of the said County, the Names of the Persons so refusing, to the end that they may be further dealt withal, as to Justice doth appertain. Hereof fail not at your perils. Given, &c.

(82.) A Warrant against those who refuse to pay their Hundreds Tax to the former Constable.

To the Constables, &c.

Devon. ss. **W**Hereas complaint hath been made unto us by *A. B.* late Constable of the Hundred ^{13 & 14} ^{Car. 2.} ^{cap. 12.} ^{2 Justices.} aforesaid, that he hath during the time he continued Constable, disbursed divers Sum of Money, for and towards the said Hundreds charge; And whereas there was a Tax and Sess made by the Inhabitants of the said Hundred, for the payment thereof, whereof great parts unpaid; These are therefore in her Majesty's Name to charge and command you, and every of you, that you, some or one of you do cause all such Persons whose Names are hereunder subscribed, to come before us, or some of us, at our next Assembly or Meeting, at the House, &c. (*tali die*) to shew cause why they refuse to pay the several Sums of Money rated on them respectively. Hereof, &c.

(82.) A Warrant to the Parishioners to make a Tax to pay the Constables Charges in conveying an Order to the Gaol.

to the Churchwardens and other substantial Inhabitants of the Parish of C. within the Hundred of D. in the said County.

Devon. ss. **F**Orasmuch as *J. S.* Constable of the Hundred aforesaid hath complained unto us, that ^{3 Jac. 1.} ^{cap. 10.} ^{1 Justice.} you refuse to make a Tax or Scot in the said Parish for conveying of *G. H.* lately attached for Felony in the said Parish, to the Gaol, not having of his own to bear his charges thither; These are therefore in her Majesty's Name to will and command you forthwith to make a
E e Tax

Tax or Scot for the discharge of such Monies as the said *J. S.* hath been at in the Premisses, or otherwise to come before us, or some of us at the House of, (&c.) on the day of next, and then and there to shew cause why you refuse so to do. Hereof fail not, &c.

(84) A Warrant to sell the Goods of an Offender who refuses to bear his own Charges to the Goal.

To the Constables and Bursholders of, &c.

3 Jac. I.
cap. 10.
1 Justice.

Devon. ss. **F**Orasmuch as Complaint hath been made unto me by the Parishioners of *L.* in the said County, That whereas *J. H.* being apprehended in the said Parish upon suspicion of Felony, and by my Warrant for that cause sent from thence to her Majesties Gaol for the said County at *G.* in the County aforesaid, the Charges of the said Parishioners in conveying and guarding him to the said Gaol, did amount to 17*s.* 6*d.* and the said *J. H.* hath refused to bear the same; and forasmuch as I am credibly informed, that the said *J. H.* hath Goods and Chattels within the Parish of *R.* in the County aforesaid, sufficient to defray the said Charges; They are therefore in her Majesties Name to command you and every of you to seize so much of the said Goods and Chattels as shall be sufficient to defray the Charge aforesaid, and to cause Appraisment to be made thereof by four of the honest Inhabitants of the said Parish of *R.* where the Goods are, and after the said Appraisment that you do sell the said Goods, and that out of the Monies arising by the sale, you do pay over unto the Parishioners of *L.* aforesaid, the aforesaid 17*s.* 6*d.* delivering the said *J. H.* the Overplus, if any be. Hereof fail not your perils. Given, &c.

(85) Conventicles and Dissenters.

SUCH persons as refuse to take the Oaths mentioned *Quakers.* in 1 W. & M. cap. 8. tendred by two Justices, &c. shall not be admitted to subscribe the Declaration, unless within thirty one days after tender he produce two sufficient Protestant Witnesses to testifie upon Oath, &c. or Certificates, &c.

The Form of a Certificate for one that produceth Witnesses or Certificates according to the Act of 1 W. & M. cap. 18. That he is no Papist, but a Protestant Dissenter.

Midd. ff. **T**Hese are to certifie all persons whom it may concern, That J. S. of the Parish of, (&c.) in the County aforesaid, came before her Majesties Justices of the Peace for the same County, at the General [or Quarter] Sessions of the Peace held for the same County at H. the day of in the fifth year of the Reign of our Sovereign Lady Anne, by the Grace of God of England, Scotland, France and Ireland, Queen, Defender of the Faith, &c. Annoq; Dom. 1706. and declared himself to be no Papist or Popish Recusant, but a Protestant Dissenter, who doth scruple the taking of any Oath, and therefore refused to take the Oaths mentioned in a Statute made in the first year of the Reign of the late King William and Queen Mary, Intituled, *An Act for removing and preventing all Questions and Disputes concerning the Assembling of this present Parliament,* (though the same were tendred to him) but desired to be admitted to make and subscribe the Declaration mentioned in a Statute made in the 30th year of the Reign of his late Majesty King Charles II. Intituled, *An Act to prevent Papists from sitting in either House of Parliament, and to make and subscribe the Declaration of Fidelity and Profession, of his Christian Belief,* in the words contained in one other Act, also made in the said First Year of the late King William and Queen Mary, Intituled, *An Act for Exempting their Majesties Protestant Subjects dissenting from the Church of England from the Penalties of certain Laws, that thereby he might be partaker of the ease, benefit, priviledge and advantage of the said Act,* and to that
E e 2 end,

Conforma-
ble Prote-
stants.
Protestants
not confor-
mable.

end, and to satisfie the Court that he is no Papist, he the said J. S. produced a Certificate under the Hands of four Protestants [or hath produced A. B. and C. D. two sufficient Protestants, who have satisfied upon Oath, That they believe him to be a Protestant Dissenter] of whom he hath given her Majesties said Justices satisfaction, that they are conformable to the Church of England [or thus, If not of the Church of England, of whom he hath given her Majesties Justices satisfaction, That they have taken the said Oaths, and subscribed the Declaration mentioned in the said Statute made in the Thirtieth Year of the Reign of the late King Charles the Second] that certifie, That they believe him a Protestant Dissenter, and did also produce a Certificate under the Hands and Seals of six Men of Mr. D. B.'s Congregation, to which Congregation he the said J. S. belongs, owning him the said J. S. to be one of them, and also satisfied her Majesties Justices that the said six are sufficient Men of the said Congregation, whereupon he was admitted at the said General [or Quarter] Sessions to make and subscribe the aforesaid Declaration of Fidelity and Profession of his Christian Belief, in the words directed and contained in the other before mentioned Act, Intituled, *An Act for Exempting their Majesties Protestant Subjects dissenting from the Church of England from the Penalties of certain Laws*, and that at the said General [or Quarter] Sessions, he did make and subscribe the same accordingly; and that such his making and subscribing the same, are there entred of Record, Signed and dated the day of in the year of our Lord 1706.

See after *Nr. Oaths*.

(86) Against one for not coming to Church.

To the Constable, &c. of the Hundred of A. &c.

1 Eliz.c.2. FOrasmuch as I have received information upon Oath,
3 Jac. 1. That A. B. of, &c. did not upon Sunday last past
cap. 4. resort or repair to any Church, Chappel, or other usual
13 & 14 place appointed for Common Prayers, and there hear
Car.2.c.4. Divine Service, according to the form of the Statute in
1 W.&M.
c. 18. 1 Justice of that Division. One Witness within a month after de-
fault made.

that

that case made. Therefore these are in her Majesties Name to will and require you, that you, some or one of you do cause him to come before me to answer the Premisses. Hereof fail not at your perils. Given, &c.

By 23 *Eliz. cap. 1.* The Justice may certifie the Name of him that absents a Year from the Church into the *Queen's-Bench*, where he may be bound in 200 *l.* to be of Good Behaviour, and so remain till he reform and come to Church. If he comes not to Church in a Year, he forfeits his Recognizance, *Lamb. 114, 115, 127, 130.*

By the afore recited Act of 1 *W. & M. cap. 18.* 'Tis provided, That all the Laws made and provided for frequenting of Divine Service on the Lords-day, commonly called *Sunday*, shall be still in force, and executed against all persons that offend against the said Laws, except such Persons come to some Congregation or Assembly of Religious Worship allowed or permitted by this Act.

(87) A Warrant against an Incumbent for not officiating once a month.

To the Churchwardens and Overseers of the Parish of S. in the said County.

Devon. ss. **F**Orasmuch as it hath been duly proved before us, That J. O. the proper Incumbent of the Parsonage [Vicarage or Benefice] of, (&c.) with Cure in the County aforesaid, doth reside on his Living, and keep a Curate, and hath not himself in person with in one month now last past openly and publickly read the Common Prayers, in and by the Book prescribed by the Statute made in the Thirteenth Year of King Charles the Second, Intituled (*An Act for the Uniformity of Publick Prayers and Administration of Sacraments, and other Rites and Ceremonies, and for establishing the form of making, ordaining and consecrating Bishops, Priests and Deacons in the Church of England*) in the Parish Church of S. to the said Parishioners, in such order, manner and form as in and by the said Book is appointed, whereby he hath by virtue of the Statute aforesaid, forfeited 5 *l.* to the use of the Poor of the Parish aforesaid. These are therefore in her Majesties Name to will and require you, and every of you, that you, or some of you do demand of the said

7. O. the aforesaid 5 l. to the use of the Poor aforesaid, and in default of payment thereof within ten days after such demand, that you, or some of you do levy the same by Distress and Sale of the Goods and Chattels of the said 7. O. rendering him the Overplus. Hereof fail not, &c.

The like Warrant may be made *mutatis mutandis*, if he do not (if there be occasion) administer each of the Sacraments, and other Rites of the Church, once in every month.

Note. The Ordinary may allow an Impediment; for the words of the Statute are, *Having no lawful Impediment to be allowed by the Ordinary of the Place.*

Corporations.

(88) *A Certificate concerning the taking the Oath, and subscribing the Declaration mentioned in the Statute about regulating of Corporations, 13 Car.2. Stat. 2. cap. 1.*

Devon. ff. **M**emorandum, That A. B. of, &c. did upon the Twentieth day of March, &c. before us, whose Names are here under subscribed (her Majesties Justices of the Peace of the said County) take the Oaths of Allegiance and Supremacy, and the Oath appointed to be taken by the Statute made in the Thirteenth Year of the Reign of King Charles the Second, intituled, *An Act for the well Governing and Regulating of Corporations*; And did likewise before us subscribe the Declaration in the said Statute also mentioned: In Testimony whereof we have hereunto set our Hands and Seals the, &c.

Customs and Customers.

- (89) Against those who affront Customers or Officers in due Execution of their Office.

To the Constable, &c. and to the Keeper of her Majesties Gaol, &c.

Devon. ss. **F**Orasmuch as it hath been made appear unto 13 & 14 me, that *A. B.* and *C. D.* &c. have lately *Car. 2.* been forcibly hindred in due execution of their Office, *cap. 11.* in their said Places, by *E. F.* of *G. H. I.* of *K.* armed 1 *Jac. 2.* with, &c. These are therefore in her Majesties Name to *cap. 4, 5.* require you the said Constable, &c. and every of you, that you, some or one of you do take the said *E. F.* and *H. I.* and them there deliver to the said Keeper of the same, together with this Precept, requiring also you the said Keeper to receive him into your said Gaol, and him there safely keep until the next Quarter Sessions, there to be dealt with as by the Statute in that behalf lately made is appointed. Hereof fail not at your perils. Given under my Hand and Seal, &c.

- (90) Against any that shall carry away Goods without paying Custom, &c.

To the Constable, &c. of the Hundred of A. in the said County, and to every of them.

Devon. ss. **F**Orasmuch as Complaint hath been made unto 13 & 14 me, that *A. B.* of, &c. hath assisted in the *Car. 2.* carrying away of Goods (whereof the Custom or Duty *2 Witnesses.* are payable to the Queen) at *C.* in the County aforesaid, without notice thereof given to any of the Officers of her Majesty's Customs, or paying of any Duty or Custom for the same. These are therefore in her Majesties Name to will and require you, and every of you, that you, some or one of you, do apprehend the said *A. B.* and him bring before me to answer the Premises, and farther to do and receive as by the said Statute in that behalf lately made is appointed. Hereof fail you not at your perils. Given under my Hand and Seal the, &c.

(91) A *Mittimus* for the first Offence of carrying away Goods without paying Customs, &c.

To the Constable, &c. and to the Keeper of her Majesties Gaol, &c.

12 Car. 2. *Devon. ss.* **F**Orasmuch as it hath been duly proved before me, that *A. B.* of, &c. (as in the last Warrant.) These are therefore in her Majesties Name to require you the said Constable, &c. and every of you, that you, some or one of you, do convey the said *A. B.* to her Majesties Gaol aforesaid, and him there deliver to the aforesaid Keeper of the same, together with this Precept, requiring also you the said Keeper to receive him into the said Gaol, and him there safely keep until he shall find sufficient Sureties to be of Good Behaviour for so long time, until he be thereof discharged by the Lord Treasurer, Chancellor or Under-Treasurer, or Barons of the Exchequer. Hereof fail not at your perils Given, &c.

(92) A *Mittimus* for the second Offence for carrying away Goods, &c.

To the Constable, &c. and to the Keeper of her Majesties Gaol, &c.

13 & 14 Car. 2. *Devon. ss.* **F**Orasmuch as it hath been duly proved before me, that *A. B.* of, &c. hath assisted, &c. (as in the Warrant last but one.) And forasmuch as the said *A. B.* hath once before offended in the like kind. These are therefore in her Majesties Name to require you the said Constables, &c. and every of you, that you, some or one of you, do convey the said *A. B.* to her Majesties Gaol aforesaid, and him there safely deliver to the aforesaid Keeper of the same, together with this Precept, requiring also you the said Keeper to receive him into the said Gaol, and him there safely keep, by the space of two months, without Bail or Mainprize, or until he shall pay to the Sheriff of the County aforesaid, the Sum of 5 *l.* for the use of her Majesty, or until he shall, by the Lord Treasurer, Chancellor or Under-Treasurer, or Court of the Exchequer be thence discharged.

charged. Hereof fail not at your perils. Given under my Hand and Seal the, &c.

Deer.

(93) A Warrant against one for stealing Deer.

To the Constable, &c. of the Hundred of A. in the said County, and to every of them.

Devon. ss. **F**Orasmuch as it hath been duly proved before me, that *A. B.* of, &c. hath unlawfully killed one Fallow-Deer in the Park of *C. D.* of, &c. against the Form of the Statute in that case made and provided. These are therefore in her Majesties Name to will and require you, and every of you, that you, some or one of you do levy by way of Distress upon the Goods and Chattels of the said *A. B.* the Sum of 20 l. by him forfeited for the Offence aforesaid, the one moiety thereof to *C. D.* who informed of the said Offence, the other moiety to the use of *E. F.* Owner of the Deer aforesaid; and in case of want of sufficient Distress, that you certifie thereof forthwith. Given under my Hand Seal the, &c.

See the Penalties in the first part of this Book, *Tit. Hunting, &c.*

(94) A *Mittimus* to the Gaol for want of Distress.

To the Constable, &c. and to the Keeper of her Majesties Gaol, &c.

Devon. ss. **W**Hereas by my Warrant, you the said Constable, &c. were lately required to levy by way of Distress upon sale of the Goods and Chattels of *A. B.* the Sum of 20 l. by him forfeited for an Offence lately committed against the form of the Statutes made in the 3d, 4th and 5th years of the Reign of the late King William and Queen Mary, intituled, *An Act to prevent hard Labour the unlawful Coursing, Hunting, or killing of Deer*, and you the said imprisonment and Sureties for Good Behaviour for a year then following. said

said Constable have not sufficient Distress to be taken for the Moneys aforesaid. These are therefore in her Majesties Name to will and require you the said Constable, &c. and every of you, that you, some or one of you do take the said *A. B.* and him safely convey to the Gaol aforesaid, and deliver him to the aforesaid Keeper of the same (together with this Precept) requiring also you the said Keeper to receive him into the said Gaol, and him there safely keep for the space of one whole year without Bail or Mainprize. And farther, till he hath given sufficient Sureties for his Good Behaviour for a whole year next ensuing after his Enlargement. Hereof fail you not at your perils. Given, &c.

See the first part of this Book, *Tit. Deer and Game* and the Penalties by Stat. 4 & 5 *W. & M. cap. 23.*

The like *Mittimus* may serve to the House of Correction, *mutatis mutandis.*

(95) Another *Mittimus* to the House of Correction for killing Deer.

To the Constable, &c. and to the Keeper of the House of Correction, &c.

WHereas, &c. (as in the foregoing *Mittimus*, until These are therefore in her Majesties Name to will and require you the said Constable, &c. that you some or one of you do take the said *A. B.* and him safely convey to the aforesaid House of Correction, and deliver him to the Keeper of the same, together with this Precept, requiring also you the said Keeper to receive him into the said House, and there detain and put him to hard Labour for one year. Hereof fail you not at your peril. Given, &c.

See in the first part, *Tit. Hunting, &c.*

Drunkennes, See before *Numb. 8, 9.*

Excise.

(96.) A Warrant to Summon those who refuse to pay their Excise.

To the Constables, &c.

Midd. ss. **W**Hereas complaint hath been made unto us this present Day, that *A. B.* of, &c. Sworn Officer to the Commissioners of Excise of Ale and Beer of the said County, that *E. F.* of *G.* in the said County Viſtualler, hath brewed and put to Sale certain Barrels of Strong-beer, since the first Day of *March* last past, without paying the Duty of Excise, in compound-
 ing with the Commissiones for this Division, contrary to an Act of Parliament in that behalf made. These are therefore in her Majesties Name to require you, some or one of you, that you, some or one of you do cause the said *E. F.* to be and appear before us (*tali die et loco*) to shew cause why he the said *E. F.* should not pay the Duty of Excise as aforesaid. Hereof fail not, &c.

12 Car. 2.
 c. 23, 24.
 1 Jac. 2.
 cap. 4, 5.
 15 Car. 2.
 c. 11, 12.
 16 & 17
 Car. 2. c. 4.
 1 W. & M.
 cap. 24.

(97.) A Warrant to levy the double value of the Excise, not paid according to the Entry made.

To the Constables, &c.

Glouc. ss. **F**Orasmuch as complaint hath been made unto us, whose Names are here-under subscribed, her Majesties Justices of the Peace of the County aforesaid, That *A. B.* of, &c. hath not paid or cleared off his Duty of Excise, unto such Persons as by the Statute in that behalf made, is appointed, according to the Entry of the said *A. B.* in that behalf made, as by the Statute aforesaid is directed, and upon examination of the complaint aforesaid, we do find the same to be true. These are therefore in her Majesties Name to require you, and every of you, that you, some or one of you do levy upon the Goods and Chattels of the said *A. B.* the Sum of 20 s. being the double value of the Duty

12 Car. 2.
 c. 23, 24.
 Justices.

10

so not paid and cleared off, and by him forfeited, according to the form of the said Statute, and to sell the Goods and Chattels (if they shall not be redeemed within fourteen Days) and that you pay the Money so levied to such Person or Persons, as by the Statute is directed, rendring to the said *A. B.* the overplus (if any be) and for want of such sufficient Distress, that you do certifie us thereof; to the end we may further proceed touching the same (as by the Law is appointed.) Hereof fail you not at your perils. Given, &c.

Inn-keeper, Alehouse-keeper, Victualler and Retailer of Beer, Ale, Cyder, Perry, Metheglin, Strong-water brewing, making or retailing of the same, every Month to make particular Entries thereof at the Office of Excise within their Limits, and forfeit for every refusal 20 s. the Brewer not paying off within a Week after Entry and Inn-keeper, Alehouse-keeper, Victualler, or other Retailer not paying within a Month after Entry, to pay double Duty.

(98) To levy the Forfeiture, not making a due Entry.

22 Car. 2. To the Constable, &c. of the Hundred of A. and to every
cap 23, 24 of them.
2 Justices,
Common Devon. ss. **F**Orasmuch as complaint hath been made
Brewer for- unto us, whose Names are hereunder sub-
scribes 10 l. scribed her Majesty's Justices of the Peace of the Coun-
Inn-keeper ty aforesaid, that *A. B.* of, &c. hath not made such due
5 l. Ale- and particular Entry of his Ale and Beer, as by the
housekeeper Statute in that case is required, and upon examination
Victualler, of the complaint aforesaid, we do find the same to be
Retailer of true. These are therefore in her Majesty's Name to
Beer, Ale, will and require you, and every of you, that you, some
Cyder, Per- or one of you do levy upon the Goods and Chattels of
ry, Metheg- the said *A. B.* the Sum of 5 l. by him forfeited for his
lin or Offence aforesaid, according to the form of the Statute
Strong-wa- in that case made and provided, and to sell the said
ter forfeits Goods and Chattels, if they shall not be redeemed with-
20 s. See in fourteen Days, and that you pay the Monies so le-
15 Car. 2. vied to such Person or Persons, as by the said Commis-
sioners is appointed, rendring to the said *A. B.* the over-
c. 11, 12. plus

us, if any be, and for want of sufficient distress, that you do forthwith certifie us thereof, to the end we may further proceed, touching the same, as by the Law is appointed. Hereof fail not at your perils. Given, &c.

99.) Against one that hindreth a Gager to Gage or take an Account of his Beer, &c.

To the Constables, &c.

Evon. ff. **F**Orasmuch as complaint hath been made unto us, whose Names are hereunder subscribed her Majesties Justices of the Peace of the said County, that *A. B.* of, &c. hath contrary to the Statute in that case made, refused to permit *C. D.* a Gager, appointed according to the Statute aforesaid, to enter into his Brewhouse to Gage or take an Account of his Beer and Ale; and having by the said Gager been thereupon forbidden to sell or carry out, or deliver to any of his customers, any Beer or Ale; yet notwithstanding the said *A. B.* after such warning given, hath carried out thirty Barrells of Beer and Ale, not having paid or cleared the Duty of Excise; and upon examination of the said complaint, we do find the same to be true. These we therefore in her Majesties Name to will and require you, that you, some or one of you do levy upon the Goods and Chattels of the said *A. B.* the Sum of 5 *l.* for his Offence aforesaid, according to the form of the said Statute, and to sell the said Goods and Chattels, if they shall not be redeemed within fourteen Days, and that you pay the Monies so levied, to such Person or Persons, as by the said Commissioners is directed, rendering to the aforesaid *A. B.* the overplus (if any be) and for want of sufficient Distress, that you do forthwith certifie us thereof; to the end we may further proceed touching the same, as by Law is appointed. Hereof fail not at your perils. Given, &c.

Brewer, Inn-keeper, Victualler or Retailer of Beer, Distiller of Strong-water or Retailer of Beer, Ale, Cyder, Perry, Metheglin or Strong-water over and above the double value pay 5 *l.*

(100.) A

(100.) A Warrant to levy 10 *l.* against such as bribe an Officer of Excise, or against any Officer taking such Bribe.

To the Constable, &c.

15 Car. 2. *Midd. ss.* **F**Orasmuch as it hath been duly proved before us, that *J. D.* of, &c. Brewer, did cap. 11, 12. Bribe [or corrupt by Money, Fee or other Reward] *R. R. Gager, [&c.]* to make a false return or report unto the Office of Excise of Beer, Ale, &c. excisable within his Division (Charge or Walk) in the said County, or to forbear or omit the doing or executing of his Place of Employment against the form of an Act of Parliament lately made, Intituled, (*An additional Act for the ordering and collecting the Duty of Excise, and preventing the Abuses therein*) whereby he hath forfeited 10 *l.* for his said Offence. These are therefore in her Majesties Name to charge and command you, and every of you to levy by Distress and Sale of the Goods of the said *J. D.* the aforesaid 10 *l.* rendring to him the overplus. Hereon fail not at your perils. Given, &c.

Hereupon a *Mittimus* may be made for want of Distress, and the like Warrants and *Mittimus* may be given against any sworn Gager, or other Officer that shall take and receive Bribe, Money, Fee, Gift or other Reward of any Brewer or other Person, &c. relating to the Excise.

(101.) Against a Brewer that maketh a false Entry, whereby the Allowance for filling and leakage is taken away for six Months.

To the Constable, &c.

12 Car. 2. cap. 23. *Devon. ss.* **F**Orasmuch as by the Statute in that behalf confirmed made, It is Enacted, That all common twentyfour Brewers, and Makers of Beer or Ale (not selling the same by Retail, and for and in consideration of waf See 1 W. & by filling and leaking of their Beer and Ale, shall be M. c. 24. allowed out of their returns made by the Gager upo

upon every Twenty three Barrels of Beer (whether strong or small) returned by the said Gagers, three Barrels, and upon every twenty two Barrels of Ale, whether strong or small returned by the Gagers, two Barrels. And forasmuch as *A. B.* of, &c. in the said County, common Brewer, hath this present Day been duly convicted before us, that he hath wittingly and willingly made a false Entry of five Barrels of Beer by him lately brewed, contrary to the form of the Statute aforesaid. We do therefore adjudge, that the said *A. B.* shall forfeit and lose for his Offence aforesaid, over and besides the Penalties in the said Act mentioned, the said Allowances so to be made for six Months now next ensuing. Given, &c.

See the new Statutes of *W.* and *M.* 100 *l.* forfeiture for using Molosses, Hony, Sugar, or extract of Sugar. See after under this Title.

(102.) A Warrant against one that hath made a false Entry to appear, &c.

To *A. B.* of, &c. in the said County.

FOrasmuch as complaint hath been made unto us, that *you* the said *A. B.* have made a false Entry of Ale ^{cap. 23.} and Beer, lately brewed by you, contrary to the form ^{confirmed,} of the Statute in that case made and provided. These ^{cap. 24.} are therefore to require you to appear before us at ^{2 Justices} the House of *C. D.* in *E.* in the County aforesaid, up-^{This upon} on the sixteenth day of *September* next ensuing, by ^{complaint} ten of the Clock in the Forenoon of the same Day, of ^{false} to answer the Premises. Hereof fail not at your perils. ^{Entries of} Given, &c. ^{Liquors.}

The like Warrants may serve upon all Statutes touching Excise (*mutatis mutandis.*)

(103.) A

(103.) A *Mittimus* for want of Distress.

To the Constable, &c. and to the Keeper, &c.

12 Car. 2. *Devon. ss.* W Hereas by Warrant under our Hands, you
 cap. 23. the said Constable, &c. were required
conformed, to levy of the Goods and Chattels of *A. B.* of, &c. the
 cap. 24. Sum of, &c. by him forfeited, according to the form of
 2 Justices. the Statute, Entituled, *A Grant of certain Impositions upon
 Beer, Ale and other Liquors, for the increase of her Majesties
 Revenues during her Life; And you the said Constable
 have this Day certified us, that the said A. B. hath not
 sufficient Distress, whereby the said Sum of, &c. can be
 levied. These are therefore in her Majesties Name to
 will and require you, and every of you, that you, some
 or one of you do take the said A. B. and him safely
 convey to the said Gaol aforesaid, and there deliver him
 to the Keeper of the same, together with this Precept,
 requiring also you the said Keeper to receive him into
 the said Gaol, and him there in Prison to keep till sa-
 tisfaction be made of the said Sum of, &c. Hereof
 fail you not at your perils. Given under our Hands
 and Seals at, &c.*

Forcible Entry.

(104.) A Record of a Forcible Entry and
Mittimus.

Memorandum quod tertio die mensis Marcij Anno Reg. Dom.
 nostræ Annæ tertio questus est mihi Thomas Put, un. Ju-
 sticiar. dict. Dom. Reg. ad pacem in dicto Comitatu conser-
 vandum assignat. quidam A. B. de dicto Comitatu Yeoman,
 quod C. D. & nonnulli alii Pacis dict. Dom. Reg. perturbatores
 ignoti, in domum mansionalem ipsius A. B. prædict. manu forti
 ingressi sunt, & ipsum A. B. disseisiverunt, ac eundem manu
 forti & armata potentia adhuc tenent, ac proinde petiit a me
 sibi in hac parte remedium apponi, qua quidem querimonia &
 petitione audita ego prefatus Thomas Put immediate ad dictam
 domum mansionalem personaliter accessi, ac in eadem domo ad-
 tunc

tunc inveni prefatum C. D. & quosdam F. G. H. I. domum illam Vi & armis, manu forti & armata potentia (viz. arcubus, sagittis, gladiis, pugionibus, galeis & loriceis) tenentes contra formam Statuti in Parlamento Domini Richardi nuper Reg. Angliae secundi Anno Reg. sui decimo quinto tento, provisi & contra formam diversorum aliorum Statutorum. de propterea ego prefatus Thomas Put prædict. &c. adtunc & ibidem arrestavi proximeque Gaolæ dicti Dom. Reg. apud Castrum de E. in dicto Comitatu duci feci, ut de dicta manusforti & detentione per visum & recordum meum convictos, ibidem moratur. quousque finem dicto Dom. Reg. pro transgress. suis prædict. fecerint dati. apud F. prædict. sub sigillo meo die & anno supradictis.

(105.) The form of the *Mittimus* to the Gaol of such as hold Lands by force.

A. B. Esquire, one of the Justices of the Peace of our Sovereign Lady her Queen's Majesty within the said County of Devon. to the Keeper of her Majesties Gaol at, &c. in the said County, or to his Deputy or Deputies there, and to every of them greeting: Whereas upon complaint made unto me this present Day by A. B. in the said County Yeoman; I went immediately to the Dwelling-house of the said A. B. aforesaid, and there found C. D. E. F. G. H. J. K. aforesaid, Labourers, forcibly and with strong Hands and armed Power, holding the said House, against the form of an Act of Parliament thereof made, in the fifteenth Year of the late King Charles the II. Therefore I send you by the Bringers hereof, the said A. B. C. D. E. F. &c. convicted of the said forcible holding by my own View, Testimony and Record, commanding you in her Majesties Name to receive them into your said Gaol, and there safely to keep them until such time as they shall make their Fines to our said Sovereign Lady for their said Trespasses, and shall be thence delivered by the order of the Law of the Land. Hereof fail you not upon the peril that may follow thereof. Given at F. aforesaid, under my Hand and Seal, the Day and Year above said.

15 R. 2.

cap. 2.

8 H. 6.

cap. 9.

31 Eliz.

cap. 11.

1 Bulstr.

101.

2 Bulstr.

221.

3 Bulstr.

70. 92.

Of forcible
Entries the
Sessionsmust be
held upon
complaint
of the party
grieved
within convenient
time,

8 H. 6 c. 9.

Crompt.

124

(106.) The form of a Precept to the Sheriff to return a Jury for an Enquiry.

A B. Baronetus, unus Justiciar. Dom. Reg. ad pacem i
 mitatus salutem. Ex parte dict. Dom. Reg. tibi mando e
 præcipio, quod Venire facias coram me apud F. in Com. præ
 vicesimo die Octobris proxime futur. 24 probos sufficientes, e
 legales homines de vicineto de P. in Com. prædict. quorum qu
 libet habeat 40 solid. terrar. & Tenementorum vel redd. p
 annum ad minus ultra reprimas, ad inquirend. super Sacramen
 tum pro dict. Dom. Reg. de quodam ingressu manu for
 factio in Mesuag. cujusdam A. B. apud C. præd. contra forma
 Stat. in Parliament. Dom. Hen. nuper Reg. Angliæ sex
 Anno Reg. sui octavo tento editi ut dicitur. Et videas qu
 supra quemlibet Juratorum per te in hac parte impanella
 dorum viginti solidos de exitibus ad præfat. diem retorn
 Et hoc nullatenus omittas sub pænâ viginti librarum, que
 noveris te incursum si in Executione premissor. tepidus e
 remissus fueris: Et habeas ibi tunc hoc Præceptum. Teste
 præfat. A. B. decimo die Martii Anno Reg. Dom. nostræ An
 Dei Gratia, Angliæ, Scotiæ, Franciæ & Hiberniæ Regin. Fi
 Defensor. &c. quinto.

(107.) The form of the Enquiry, Presentment
and Verdict of the Jury.

Inquisitio pro Dom. Reg. capt. apud B. in Com. præd. secun
 diæ Martii, Anno Reg. Dom. nostræ Annæ Dei Gra
 Angliæ, Scotiæ, Franciæ & Hiberniæ Reg. Fidei Defensor.
 per Sacramentum A. B. C. D. E. F. G. H. &c. coram T.
 uno Justiciar. dict. Dom. Reg. ad pacem in dicto Comit. con
 vand. nec non ad diversa Felonias, Transgress. & alia me
 facta in eodem Com. perpetrata audiend. & terminand.
 sign. Qui dicunt super Sacrament. suum præd. quod A.
 præd. Yeoman, diu legitime & pacifice seisinus fuit in do
 nico suo ut de feodo de & in uno Mesuagio, &c. cum pertinen
 in C. præd. & possessionem ac seisinam suam præd. sic contin
 vit, quousque J. S. de, &c. & alii Malefactores ignoti,
 die, &c. ultimo elapso (Vi & armis, viz. cum baculis, glaci
 & sagittis, cultellis, falcasiris, lapid. & aliis armis defen

invasit) in Mesuagium præd. &c. intraverunt, ac ipsum A. B. sic disseisum & expulsum ab eodem Mesuagio, &c. a præd. tali die, &c. usq; ad diem captionis hujus inquisitionis, cum hujusmodi fortitudine & potentia armata extratenuerunt, & adhuc extratenent, in magna pacis-diſt. Dom. Reg. perturbationem, ac contra formam Statuti in Parliament. Dom. Hen. super Reg. Angliæ sexti, Anno Reg. sui octavo tento, in tali casu editi & provis: Ubi nullus eorum, nec aliquis alius, cuius statum ipsi aut aliquis eorum habuerunt, aut habuit, aliquid in eodem Mesuagio, &c. aut in aliqua inde parcella habuerunt, aut habuit, infra tres annos proxime ante ingress. suum præd. reg; alio tempore præcedente, ad notitiam Jurator. præd.

(108.) A Warrant to the Sheriff to make restitution.

D. Bar. unus Just. &c. Assign. Vic. ejusd. Com. salut. cum Kelw. 41.
per quandam Inquisition. patriæ coram me apud F. in com. 3 Bulst. 71:
æd. tali die Mensis, &c. super Sacrament. A. B. C. D. E. F. Dyer 141:
H. &c. ac formam stat. de ingressibus manu forti factis in
li casu provis. Compertum fuit quod J. S. & J. D. primo die
ensis, &c. in quoddam Mesuag. &c. A. B. præd. Vi & ar-
is ingressi sunt, ac ipsum A. B. inde tunc manu forti disseisi-
runt & expuler. & ipsum A. B. sic expulsum a præd. Me-
ag. &c. a præd. primo die mensis, &c. usq; ad diem captio-
inquisition. præd. manu forti & cum potentia extratenuerunt,
ut per inquisition. præd. plenius liquet de recordo. Ideo ex
te diſt. Dom. Reg. tibi mando & præcipio, quod (ad hoc
requisitus) una cum posse comitatus tui (si necesse fuerit)
cedas ad mesuag. & cætera præmissa, ac eadem cum pertin.
reſir. facias & pref. A. B. ad & in plenam possessionem suam
ile, prout iſe ante ingress. præd. fuerat seſit. restitui & mit-
tacias, juxta formam diſt. stat. & hoc nullatenus omittas
periculo incumbente. Teste me præfat. J. D. &c.

See after Tit. Rict.

Felony.

(109) A Warrant to apprehend a Felon charged.

To the Constable, &c.

Devon. ss. **F**Orasmuch as I have received information and charge against J. D. of, &c. for feloniously taking of, &c. These are therefore in her Majesties Name to command you, that you, some or one of you do attach the said J. D. of, (&c.) and him before me bring, or before some other of her Majesties Justices of the Peace for the said County, to be examined touching the said Premisses, and to be farther dealt withal according to Law. Hereof fail you not, &c. Given, &c.

(110) *A Warrant to search for, and apprehend a Felon suspected.*

1 Justice. *2 Roll* *226, 246.* *Nota. This is a* *Devon. ss.* **F**Orasmuch as complaint hath been made unto me by J. S. that he hath lately had certain Goods feloniously taken from him, namely, six Silver Spoons, &c. and that he doth greatly suspect several evil disposed persons of your Town of G. These are therefore in her Majesties Name to require you, that immediately upon sight hereof, you make diligent search in all and every suspected Houses and Places within your Parish, as you and the said J. S. shall think convenient and if upon your search you find any of the said Goods in the Hands of any person, or shall have any other just cause of suspicion of any person, that then you bring such suspected person before me, or some other of her Majesties Justices of the Peace for the County of D. to be examined touching the Premises, and to be farther dealt withal according to Law. Hereof fail not, &c.

(111) *A Mittimus of a Felon not yet examined.*

B. &c. **T**O the Keeper of her Majesties Gaol at the Castle of *Exon*, or to his Deputy there, greeting. These are in her Majesties Name to charge and command you, that you receive into your said Gaol the Body of *A. B.* late of, &c. taken by *C. D.* and *E. F.* Constables of the Town of, &c. by them brought before me for suspicion of Felony, &c. and that you safely keep the said *A. B.* in your said Gaol until the next General Gaol Delivery for the said County (if he be not bailable, or if he be bailable, then thus) until he shall be thence delivered by due order of her Majesties Laws; and hereof fail you not, &c.

(112) *A Mittimus of a Felon after his Examination.*

A. B. Baronet, one of the Justices, &c. to the Keeper of her Majesties Gaol at, &c. in the said County, &c. Greeting. I send you herewithal the Body of *A. B.* late of *C.* Labourer, brought before me this present day, and charged with the felonious taking of twenty Sheep (which also he hath confessed upon his Examination before me) and therefore these are (on the behalf of our said Sovereign Lady) to command you, that immediately you receive the said *A. B.* and him safely keep in your said Gaol until that he shall be thence delivered by the due Order of her Majesties Laws. Hereof fail you not, as you will answer for your Contempt at your peril. Given at *D.* the third day of *March*, in the Fifth Year of the Reign of our said Sovereign Lady Queen *Anne*, &c.

(113) *A Warrant for Search and an Hue and Cry.*

WHereas Complaint hath been made unto me *A. B.* Esquire, one of her Majesties Justices of the Peace within the County of *Devon*. by *T. C.* of *T.* Husbandman, that upon Monday at Night last (being the tenth day of this Instant *April*) he was robbed of certain Linnen
F f ;
taken

taken out of his House, with some other things, and that he hath manifest cause of Suspicion of one C. D. lewd Rogue [*Here describe his Person, Age and Apparel.*] These are to require you, and every of you, to make search within your several Precincts for the said C. D. and also to make Hue and Cry after him from Town to Town, and from County to County, and that as well by Horsemen as Footmen. And if you shall find him the said C. D. that then you carry him before some one Justice of the Peace within the County where he shall be taken, by him to be dealt with according to Law, &c.

(114) *A Warrant to cause persons to be bound to give Evidence against a Felon.*

THese are in her Majesties Name to charge and command you, &c. that presently, upon the sight hereof, you, or some of you do cause to come before me (or some other of her Majesties Justices of the Peace of this County) the persons here under-named, to the end that they and every of them may be bound to make their personal Appearance at the next General Gaol-delivery (or Quarter Sessions) to be holden for this County, there and there to testifie their and every of their knowledge concerning certain felonious Acts committed by one B. now a Prisoner in the Castle of C. And hereof fail you not, &c.

(115) Or thus.

To the Constable, &c.

D. J. **Y**OU are hereby required forthwith to warn the persons undernamed of your Parish to be before me at my Dwelling-House in P. &c. upon Monday next by two of the Clock in the Afternoon, to testifie their knowledge concerning certain felonious Acts suspected to be done by J. S. R. T. J. N. of, &c. And that you your self be then there with this Warrant to shew how you have executed it. Hereof fail not, &c. Given, &c.

A. B. C. D. E. F.

G. H. I. K. L. M. &c.

(116) T

(116) *The Examination of a Felon.*

J. **T**HE Examination of *A. B.* taken before *C. D.* Esquire, one of her Majesties Justices of the Peace for the said County of *D.* the Tenth day of *May*, Anno Domini, 1706.

The said *A. B.* being charged by *E. F.* of the Parish of *Yeoman*, that he the said *A. B.* lately came into the dwelling-House of the said *E. F.* situate in the said Parish of *G.* and did then and there feloniously take and steal out of the said House two pair of Linnen Sheets, &c. of the Goods and Chattels of the said *E. F.* to the value of 5*l.* He the said *A. B.* upon his Examination before me the said 10th day of *May* doth confess, that he stole the said Sheets, &c. from and out of the House of the said *E. F.* and sold them to one *J. L.* in the City of *Vi*ctualler, for 2*l.* 10*s.* And farther saith not.

C. D.

(117) A Warrant for a Witness to appear and give Evidence at the Sessions.

To the Constables, &c.

Devon. J. **F**ORasmuch as *R. G.* of, &c. Yeoman, is thought to be a fit and necessary Witness to be examined on her Majesties behalf. These are therefore in her Majesties Name to command you, that you, some or one of you do forthwith warn him the said *R. G.* personally to appear before the Justices of the Peace at the next Sessions of the Peace to be holden for this County at *E.* then and there to testify his knowledge on the behalf of her said Majesty to and upon such Matters as he shall be then and there examined of. Hereof fail not, &c.

(118) A Warrant for Witnesses touching Felony.

To the Constable, &c.

D. ff. **V**Hereas I have received Information, That *J. D.* was lately robbed at *E.* in the County aforesaid. And wheras I am informed, That *R. R.* can give Information on her Majesties behalf touching proving the Robbery aforesaid. These are therefore in her Majesties Name to command you, that you, some, or one of you do cause the said *R. R.* forthwith to come before me to give such Information and Evidence as he knoweth touching the said Robbery, to the end I may farther proceed touching the same as to Justice doth appertain. Hereof fail not, &c. Given, &c.

(119) A Liberate to deliver a Prisoner committed for Felony.

W. P. and E. P. Esquires, two of the Justices, &c. to the Keeper of her Majesties Gaol, &c. Greeting.

FOrasmuch as *A. B.* Labourer, hath before us found sufficient Mainprife to appear before the Justices of Gaol-delivery, at the next general Gaol-delivery, to be holden in the said County, there to answer to such things as shall be then on the behalf of our Sovereign Lady the Queen objected against him, and namely to the felonious taking of two Sheep (for the Suspicion whereof he was taken and committed to your said Gaol) we command you, on the behalf of our Sovereign Lady the Queen, that if the said *A. B.* do remain in your said Gaol for the said Cause, and none other, then you forbear to grieve or to detain him any longer, but that you deliver him thence, and suffer him to go at large, and upon the pain will fall therein. Given, &c.

(120) *A Warrant for one who hath dangerously hurt another.*

FOrasmuch as I am credibly informed, that *A. B.* of your Town, Clothier, hath now lately and dangerously hurt one *C. D.* of your said Town Yeoman, by a Blow which he hath given the said *C. D.* on the Head, and another on the Back, so as the said *C. D.* is in danger of death thereby. These are therefore in her Majesties Name, streightly to charge and command you, that immediately upon the sight hereof, you, or any of you, do bring the said *A. B.* before me, or some other of her Majesties Justices of the Peace of this County, to find sufficient Sureties, as well for his appearance before her Majesties Justices, at the next general Gaol-delivery to be holden for this County, then and there to answer unto the Premisses, and to do and receive therefore that, which by the Court shall be enjoined him, as also that the said *A. B.* shall in the mean time keep the Queen's Majesties Peace, to her said Majesty and all her Liege People, and especially towards *C. D.* And hereof fail you not at your perils. Dated, &c.

(121) *A General Warrant for Misdemeanors.*

William Bragg Esquire, one of the Justices, &c. To the Constable of &c. and to every of them.

THese are to will and require you, and in her Majesties Name strictly to charge and command you, that immediately upon sight hereof (or upon Monday next by eight of the Clock in the Forenoon) you bring *A. B.* of your said Town Butcher, before me, to answer to such Matters of Misdemeanor as on her Majesties behalf shall be objected against him. And hereof fail you not at your Perils. Dated, &c.

(122) *A*

(122) *A Condition to give Evidence against a Felon.*

This may be made by a Recognizance, where the Condition is set forth in the Latin; or by a general Latin Recognizance *cum Conditione indorsat.* or *sequen. viz.*

UPON Condition that if you J. S. shall personally appear before her Majesties Justices of the Peace at the General Sessions of the Peace and Gaol-delivery, to be holden at E. for the County aforesaid, and do then and there pursue and give such Evidence as you know against A. B. now Prisoner in the Gaol of the Liberty aforesaid, for and concerning his Felonious stealing of a Silver Tankard of the Goods of C. D. and not depart thence without Licence of the Court, then your Recognizance to be void, or else to stand in force.

Vide postea Tit. Recognizance.

(123) *To appear upon Suspicion of Felony.*

UPON the Condition, that if the said J. S. shall personally appear before, &c. and do then and there make Answer unto all such Matters which on the part and behalf of her said Majesty shall be objected against him, for and concerning the Suspicion of his felonious stealing of the Goods of one A. B. And do not depart, &c. Then, &c.

(124) *To appear upon Felony.*

THE Condition of this Recognizance is such, That whereas at the last General Gaol-delivery holden for the within named County of D. It was Ordered, That the within bound J. S. shall give very good Security in such Sums, as is within mentioned, before the Justice within named for his personal Appearance at the then next General Gaol-delivery to be holden for the County aforesaid, to answer a Felony, &c. whereof he stands indicted in the said County, as by the Record of the said Court, Reference being thereunto had, may more fully appear, which Security he hath given.

given, as in the said Recognizance is mentioned. If therefore the said J. S. do personally appear at the afore-said next General Gaol-delivery to be holden for the said County to answer the Felony and Robbery afore-said. That then, &c.

(125) *A Counterbond for Appearance.*

A Counter-bond may be given to such as are bound for the Appearance of a person suspected for Felony, &c. with a Condition reciting the Substance of the Recognizance and the Condition, *viz.*

The Condition of this Obligation is such, That whereas the above named *A. B.* and *C. D.* at the special instance and request of the above bound *E. F.* and *G. H.* in and by one Recognizance, bearing Date, &c. do each of them stand bound to her said Majesty in, &c. of lawful Money of *England* with Condition, That, &c. as by the same Recognizance, and the Condition thereof may more certainly and at large appear. That if therefore the said *E. F.* do in all things perform the said Condition of the said Recognizance, then this Obligation shall be void, or else shall stand in full force and virtue.

Vide postea Tit. Recognizance.

Note, If a Man be arrested for Felony, his Goods shall not be seized until Attainder or Conviction, upon pain to forfeit the double value to the Party grieved; for the Party grieved may sell them *bona fide* for his Maintenance in Prison before Conviction, 1 R. 3. cap. 3. *Stamf.* 191. 8 Co. 171. b.

After Conviction the Town presently stands charged for the Felons Goods (if then in his possession) and shall answer the impairing of them, except they shew who detained them, and that they could not have possession of them, *Fitz. Cor.* 3. 66. *Stamf.* 193, 194. 31 Ed. 3. 35.

Fire.

(126) *A Testimonial of the Justices for poor Men
that have lost by Fire.*

Devon. ss. **T**O all Christian People to whom this present Writing or Testimonial shall come to be seen, heard or read, *J. B. R. S. and T. D.* three of the Justices of the Peace within the said County of *D.* send greeting. Know ye, that at the earnest and lamentable Suit and Petition of our loving Neighbours, the Bearers and Bringers hereof, *A. B. C. D. E. F. &c.* we have thought it as well our Duty as Charity to publish and declare unto your common knowledge, that on the first of *January* last past, between the hours of eleven and twelve at Night by Casualty and great Mischance by Fire, not only the several Dwelling-Houses and other Edifices and Buildings thereto adjacent, of the aforesaid Petitioners, to the number of, &c. but also all their Corn and Hay, and most of their Household Stuff and Goods were consumed, wasted and burnt, to the great danger of the Lives and Bodies of them and their Families, and to their exceeding great Loss and Impoverishment. And forasmuch as it is a godly and charitable Deed to succour, help and relieve such poor, needy and miserable Persons, as they are who have suffered this great Loss, being also of honest Name, Fame and Conversation. And for that the Bearers hereof in behalf of themselves and their Neighbours, are enforced by reason of their Losses to seek for help and succour for their Relief. And we knowing their Estate to be so sad, pitiful and miserable as is afore represented, and being moved with Commiseration of their sad deplorable Condition, have therefore as much as in us lieth, given Licence unto them, and every of them, to make their repair from Parish Church to Parish Church, and to every Parish Church and Chappels, Town and Place within the County of *D.* to ask, receive and take the charitable Devotion and Benevolence of all good and well-disposed People towards the Recovery of their said great Losses. And our Request farther is, That you, and every of you, to whom they shall repair, do extend your lawful favour unto them, permitting them without your denial to execute the

the Tenor of this our Licence, desiring all Ecclesiastical Persons to whom these distressed Persons shall make their Address in this behalf, to declare the Tenor hereof to their Parishioners in every of their Parish Churches and Chapels on the Sabbath-Days, or other Festival Days, exhorting them to extend their Charity in this behalf, and those whom it concerns, to aid and assist them in the Collection thereof. In Witness, &c.

(127.) French Commodities.

SEE the First Part of this Treatise Tit. Forfeiture of French and Foreign Commodities.

1 *Gul. & Mar. cap. 34.* Enacts, That if after the 24th of August, 1689. during three Years any Wines, Brandy, Vinegar, Linnen, Silks, Salt, Paper or other Commodities whatsoever (mixt or unmixt) of the Growth of France be brought into these Dominions, the Importation, Selling, Retailing the same, &c. is adjudged a Common Nuisance.

And all the said Commodities shall be seized and forfeited to her Majesty, and after Condemnation publickly staved, burnt or destroyed, &c.

And such Persons as presume to take up or save any of the said Commodities so to be destroyed shall forfeit 40 *s.* over and above the value of the Goods.

The Persons importing shall forfeit the full value thereof; the Keepers or Sellers the like for the first Offence; for the second, double; for the third, disabled to execute any publick Employment.

And any Person may seize such Goods in whose Custody soever, to the intent they may be destroyed.

All Sheriffs, &c. are enjoined to be aiding.

If any Person not being a known Merchant, Vintner or Shop-keeper shall Sell or expose to Sale any such prohibited Goods, after Conviction in her Majesty's Courts of Record shall suffer twelve Months Imprisonment without Bail, above the Penalties aforesaid.

The Ship, Vessel and Furniture shall be forfeited:

The Master or other Person having care of the Ship, &c. in the Voyage, or out of which any such prohibited Goods shall be unshipped either at Sea or in Harbour, &c. into any Hoy or Boat shall forfeit 500 *l.* And the

the Justices may by Warrant apprehend him, and upon the Fact proved by two Witnesses on Oath may commit him to the next Gaol for twelve Months without Bail or Mainprise.

And the Seamen, Mariners or any other person assisting at the Shipping or conveying off any the said Commodities, either by Land or by Water, shall upon such proof be subject to like Imprisonment, or be publicly whipt at the discretion of the Justice of the Peace before whom they shall be convicted.

And the Carts and other Carriages, and the Cattle moving the same shall be forfeited, one half to the Poor, the other to the Seizor. See the Statute of 2 *W. & M. Sess. 2. cap. 14.* for the more effectual putting the former Act in Execution.

By the Act of Tonnage 5 & 6 *W. & M. Sess. 2. cap. 14.* Lutestrings and Alamodes to be markt and sealed by the Commissioners of the Customs And all such imported after the 15th of May, 1694. and not so sealed and marked shall be forfeited, and the Importers or Possessors thereof subject to such and like Penalties and Forfeitures as Importers of *French Goods* by an Act of 1 *W. & M.* prohibiting all Commerce with *France*.

(128) A Warrant to apprehend one for having imported, &c. *French Goods* prohibited.

To the Constable, &c.

Devon. ss. **F**Orasmuch as I am given to understand, That *A. B.* of *C.* in the County aforesaid, Master, [or Mariner, Boatswain, &c. as the Case is,] having on or before the 16th Day of this present Month of *June*, imported, landed or put on Shoar at *E.* in the County aforesaid, Wine, Brandy, Silks, Linnen, &c. [or other Commodities, as the Case is,] of the Growth, Product or Manufacture of *France*, contrary to the form of several Statutes in that Case made and provided, Entitled, &c. These are therefore in her Majesty's Name to command you, that you, some or one of you do apprehend the said *A. B.* and bring him before me or some other of her Majesties Justices of the Peace to be examined touching the Premises, and to be dealt with according to Law. Hereof fail not at your Peril. Given, &c.

Here-

Hereupon a Warrant may be issued out for examining of Witnesses, as in other Cases, *Mutatis mutandis*.

By what has been said on this Head, Warrants may easily be drawn according to the Manner and Matter of the Fact.

(129.) Hue and Cry.

ALL Persons above fourteen years of Age shall follow the Hue and Cry, and whosoever does not, and be thereof convicted, shall be attached to answer before the Justices of Gaol delivery, and for such Offence shall be fined and imprisoned, *Bracton lib. 3. fol. 118.*

The Examination of a Person robbed on the Highway by two Persons, one of which he knew.

Devon. ss. **T**HE Examination of *A.B.* of *C. &c.* Sworn and examined before *T. P.* Baronet, one of her Majesties Justices, &c. on the 10th Day of June, Anno Dom. 1706. deposeth and saith.

That about three Days since he was riding from *C.* *Stat. of.* foresaid towards *G.* in the said County of *D.* and in the *Winch.* Highway within the Parish of *H.* in the said County of *13 Ed. 1.* *D.* he was set upon by two Persons, and was by them *cap. 1, 2,* robbed, and that they took from him *5 l.* in Money, &c. and 6. And he saith and deposeth, that he doth know one of the said persons, whose Name is *S. T.* a Cornish Man born in, &c. and of the Age, as he suppoeth, of One and twenty Years or thereabouts, and the other, he saith, he knoweth not.

(130) The

(130.) *The Examination of a Person robbed, praying an Huy and Cry.*

Devon. ss. **T**HE Examination of *A. B.* of *C.* in the County of *D.* taken by *T. P.* Baronet, one of the Justices of the County of *D.* on the first day of the *August*, Anno Dom. 1705. upon Oath.

13 Ed. 1. cap. 1, 2, and 6. 28 Ed. 3. cap. 11. 27 Eliz. cap. 13. Hob. 139. This Examinant deposeth and saith, That as he was riding on Monday last the first day of *May* last past from the Town of *C.* in the County of *D.* to *E.* in the same County, he was Assaulted in the Common Highway leading from one of the said Towns to the other, at or near a place there called *F.* about two of the Clock in the Afternoon of the same day by two Horse-men, who there seized upon this Examinant, and carrying him out of the Road into a certain by-place adjoining, robbed him and bound him. And this Examinant farther saith, That he is since informed that the Highway and by-place are both in the Parish of *C.* aforesaid, and within the Hundred of *G.* in the said County; and he also farther deposeth, That the said Thieves did feloniously take from him and rob him of 20 *l.* in Money, one Gold Ring, &c. in all to the value of 50 *l.* And this Examinant farther saith and deposeth, That he then did not, nor yet doth know the Parties that committed the said Robbery, or either of them.

(131) *A Warrant for an Huy and Cry after a Felon.*

T. P. Baronet, one of her Majesties Justices of the Peace for the said County, to all Constables, Bursholders and other Officers, as well within the said County, as elsewhere within the Kingdom of England, to whom the Execution hereof doth or may belong.

1 Justice. 28 Ed. 3. cap. 11. *Devon. ss.* **W**HEREAS I have received Information and Charge against *S. T.* a person of evil Fame, being about one and twenty years of Age, of middle Stature, &c. [describing the Person, his Age and

and Apparel] who is charged before me to have assaulted and taken from the person of *A. B.* on the seventh day of *June* last at, &c. *5 l.* in Moneys numbred, &c. And the said *S. T.* is very much suspected to have committed several other Felonies, and notwithstanding several endeavours for taking of him, he hath not as yet been apprehended, but hath withdrawn himself and is fled. These are therefore in her Majesties Name to command you, and every of you, to make diligent search within your several Precincts for the said *S. T.* and to make Hue and Cry after him from Town to Town, and from County to County, and that as well by Horsemen as Footmen (according to Law.) And if you shall find him the said *S. T.* that then you do carry him before some one of her Majesties Justices of the Peace within the County or place where he shall be taken, to be dealt withal according to Law. Hereof fail not at your perils. Given, &c.

(132) *An Hue and Cry upon the Escape of a Prisoner from the Constable.*

Devon. ff. **W**Hereas *A. B.* Constable of the Hundred ^{1 Justice.}
of *D.* within the said County, having ^{13 Ed. 1.}
this day, together with a Precept, delivered unto him the Body of *E. F.* &c. (before charged with the Suspicion of his felonious taking of one bay Mare) to be by him the said Constable and other Officers conveyed to the Gaol for the said County at, &c. in the County aforesaid, hath this day, as the said Constable hath upon Complaint informed me, made a felonious Escape from him. These are therefore in her Majesties Name, &c. [as before.]

(133) *An Oath to be taken by a Person robbed to ground an Action against an Hundred.*

August 1st. 1706.

Devon. ff. **T**HE Day and Year above-written *A. B.* of ^{27 Eliz.}
C. in the County of *D.* Gent. came be ^{cap. 13.}
fore *T. P.* Baronet, one of her Majesties Justices of the ^{Hob. 14c.}
Peace in the said County of *D.* and made Oath, that on
G *Monday*

Monday the one and thirtieth day of *July* last, about three of the Clock in the Afternoon the said *A. B.* coming from the Market Town of *C.* where he dined that day at the Sign of, &c. was about two miles off from the said Town met in the Highway at the end of a Lane there called, &c. by two Horsemen, one of them being a person about 30 years of Age, &c. [describing them by their Persons, Habits and Horses] which said two Horsemen set upon the Deponent and robbed him, taking from him by force the Sum of 10*l.* &c. And the said *A. B.* being examined whether he knoweth the said persons, or any of them, which robbed him, he saith and deposeth, that he doth not know them, or any of them.

A. B.

Jurat. die & anno su-
pradictis coram me
T. B.

Notice is to be given where the Robbery was committed, or at a Village near unto adjoining with all convenient speed. And the Suit to be commenced in a Year.

Note, When an Hue and Cry is levied upon a Robbery or other Felony, the Officer of the Town where the Felony was done, must send to every other Village that is about him, and not go to the next Village only, for if the Hue and Cry should not be quite round, the Thief would seldom be taken. See *Dalton* 114.

(135) A Warrant to assess and levy Money charged upon an Hundred for a Robbery.

To the High-Constable of E. &c. and to all Petty-Constables, &c.

2 Justices, Devon. ss. **F**ORasmuch as one *A. B.* was of late robbed of
1 Quorum. 100 *l.* in the said Hundred of *E.* and hath
27 Eliz. Judgment to recover 100 *l.* against the same, the which
cap. 13. hath been levied of, and charged upon *J. D.* and *R. R.*
two of the Inhabitants of *F.* within the said Hundred of *E.* And upon their Complaint to us thereof we have according to the Act of Parliament in that Case provided for the raising of the said Money, set a Rate upon the Parishes and places within the said Hundred of *E.*
which

which Rate is hereunto subscribed and annexed. These are therefore in her Majesties Name to require you the said High-Constable to give Notice thereof to the Petty Constables and Bursholders of your Hundred. And thereupon all the said Petty Constables and Bursholders are required forthwith equally to distribute and set the same Rates upon the Inhabitants of their Parishes respectively according to their Method of rating the Poor; and the same being rated, that they do demand it, and in case of Non-payment, levy it by Distress and Sale of Goods upon every of the Inhabitants not paying respectively; and having levied and received the same, that they do forthwith bring and pay it unto us or one of us, to the end that the same may be paid to the said J. D. and R. R. and that you do within ten days next after the Date hereof give to one of us an Account of the Execution of this Warrant. Hereof fail not at your perils. Given under our Hands and Seals, &c.

(136) *The Form of the Rate above mentioned.*

A Rate made by A. B. and C. D. Esquires, two of her Majesties Justices of the Peace, &c. for the raising of 100 l. upon the Hundred of E. charged upon it, and levied upon J. D. and R. R. two of the Inhabitants upon Judgment had by one A. B. against the said Hundred after a Robbery.

	<i>l.</i>	<i>s.</i>	<i>d.</i>
The parish of A. _____	20	00	00
The Parish of C. _____	40	00	00
The Parish of D. _____	40	00	00
All in the same Hundred of E.			

Note, After the two Justices have ratably assessed every Town and Parish for Damages on default of Hue and Cry, then may the Constable or Headborough rateably tax every Dweller and Inhabitant, 27 Eliz. cap. 13.

Indiſtments.

(137.) For ſtopping the Highway.

Juratores pro Domina Regina ſuper Sacramentum ſum præſentant quod cum à tempore cujus contrarii memoria hominum non exiſtit uſitat. fuiſſet quod ligei Domine Regine habuerunt & legitime uſi fuerant una via Regia communi apud A. in Com. B. in quodam loco ibidem vocat. A. ducend. a villa a B. in Com. præd. uſque ad villam de C. in Com. præd. præſeipſis Catallis & Carriagiis ſuis abſque ulla obſtructione impedimento aut retardatione per aliquas foſſat. ſepes aut alia obſtacula quæcunque quidam tamen D. E. nuper de B. in Com. præd. H. ſecundo die Martij Anno Regine, &c. quandam foſſat. & ſepem vivam Anglice a Ditch and Quick-ſet Hedge apud A. in Com. præd. in præd. loco ibidem vocat. A. ſuper viam Regiam communem præd. ad magnam obſtructionem impedimentum & retardationem ligeorum dict. Dom. Regine circa negotium ſua neceſſaria per præd. viam Regiam communem cum Catallis & Carriagiis ſuis tranſeun. effodit & erexit & foſſat. & ſepem prædict. ſicut præfertur effoſſat. & erect. adhuc cuſtos in malum & pernicioſum exemplum aliorum in huiusmodi caſu delinquen. contra pacem dict. Domine Regine Coronam & dignitatem ſuas.

(138.) Againſt a Rogue for begging after he is burnt in the Shoulder.

Juratores pro Domina Regina ſuper Sacramentum ſuum præſentant quod cum quidam A. B. nuper de C. in Com. D. Labourer, ad general. Gaol. deliberationem Dom. Regine. Com. ſui tent. apud D. in Com. prædict. primo die Martij Anno Regni, &c. coram E. F. Milite uno Juſticiar. Dom. Regine. Banco Juſtic. ejuſdem Dom. Regine. ad Pacem in Com. prædict. conſervand. ac ad diverſa Felonias Transgreſſiones ac alia Malefacta in eodem Com. perpetrat. audiend. & terminand assignatunc exiſten. ætatis ſeptem Annorum & ultra pro omnivago (Anglice Rogue) incorrigibili & periculoſo mendican. vagran. & ſeipſum male gubernan. qui noluit reformari de Vagro & Vagabundo more ſuo vitæ legitime convictus erat & adtunc & ibidem cum quodam ardenti ferro (Anglice a hot Iron burning

(ing) haben. magnam Romanam Lateram R. nuper per ferrum illud impressum super sinistrum humerum (Anglice the left Shoulder) ipsius A. B. ustus fuit (Anglice was branded) & superinde missus fuit per dictos Justic. ad L. in Com. præd. existen. locum habitationis sue ad laborandum ibidem sicut verus subditus dictæ Dom. Regin. facere tenetur secundum formam cujusdam Statut. inde edit. & provis. prædictus tamen A. B. leges & Statut. hujus Regni Angliæ parvi pendens nec penam in eisdem content. aliquammodo verens postea scilicet secundo die Martij Anno supradicto apud G. prædict. in Com. præd. ac in diversis aliis locis in Com. præd. diversis aliis diebus & vicibus tam antea quam postea ut omni-vagus incorrigibilis & periculosus qui non vult reformari de Vagro & Vagabundo more vitæ Felonice mendicat. fuit vagavit & pererravit & se male gessit contra pacem dictæ Dom. Regin. nunc Coronam & Dignitatem suas & contra formam Statuti in hujusmodi casu edit. & provis.

(139.) For seising a Felons Goods before Conviction.

Juratores pro Dom. Regin. super Sacramentum suum præsentant quod cum quidam A. B. nuper de B. in Com. D. Labourer capt. & arrestat. fuit pro suspitione Feloniæ (viz.) pro eo quod idem A. B. felonice cepit & effugavit sex oves de bonis & cattallis cujusdam E. F. & præd. A. B. ad tunc & ibidem duct. fuit coram G. H. de H. præd. Gen. & I. K. de L. præd. ad tunc & ibidem suscepit tres libras legalis monetæ Angliæ de bonis & cattallis præd. A. B. sic arrestat. existen. pro Felonia præd. antequam præd. A. B. convict. fuit de Felonia præd. contra formam Statuti in hujusmodi casu edit. & provis. & contra pacem dictæ Dom. Regin. Coronam & Dignitatem suas.

(145.) Against a Constable for not prosecuting an Hue and Cry after Felons for Robbery.

Juratores pro Dom. Reg. super Sacramentum suum præsentant quod cum quidam Malefactores & Felones ignoti sept. die Maij Anno, &c. Vi & armis, &c. in tempore diei scil. circa horam quartam post meridiem ejusdem diei apud A. in Com. B. in quodam campo ibidem vocat. B. Field in alta via Regia ibid. in Com.

præd. in & ſuper quendam C. D. ad tunc & ibidem in pace Dei
& diſt. Dom. Regin. nunc exiſten. felonice inſultum fecerunt &
ipſum A. B. in magno timore & periculo vitæ ſuæ ad tunc & ibi-
dem felonice poſuerunt & unam crumenam Anglice onę Purſe ad
valentiam duorum ſolidorum & ſex denariorum in pecuniis nu-
meratis ad tunc & ibidem exiſten. contra voluntatem ejuſdem C.
D. violenter & felonice ad tunc & ibidem furat. fuerunt ceperunt
& aſportaverunt contra pacem diſtæ Dom. Regin. nunc, &c. poſt-
quas quidem Feloniam & Roberiam præd. Malefactor. & Felon.
ignot. præd. fugam fecerunt & ſeipſos ad loca ignota retraxe-
runt Cumq; etiam præd. C. D. ſuperinde ſcilicet præd. ſeptimo
die Maij Anno ſupradicti pro præd. Malefactor. & Felon. ignot.
præd. huteſia & clamor. immediate poſt eaſdem Feloniam &
Roberiam per ipſos Malefactor. & Felon. ignot. præd. ſic ut præ-
fertur fact. in Villa de N. in Com. præd. fecit & levat. fui-
notitiam cuidam C. D. de N. præd. in Com. præd. Yeoman,
ad tunc exiſten. Conſtabular. diſt. Dom. Regin. de N. præd. de
Felonia & Roberia præd. ad tunc & ibidem dedit eo quod Ma-
lefactor. & Felones ignot. præd. attachiar. potuiſſet præd. tamen
E. F. ad tunc Conſtabular. diſt. Dom. Regn. de G. præd. Ma-
lefactor. & Felon. ignot. præd. recenter proſequi Anglice to pur-
ſue & arreſtari neglexit & recuſavit ratione quarum quidem
negligentiæ & defect. præd. Malefactores & Felones ignot. præd.
& quilibet Malefactorum & Felon. ignot. præd. ſine apprehen-
ſione ad largum ire quo voluerunt permiſſi fuerunt in diſt.
Dom. Regin. nunc & legum ſuarum contemptum manifeſtum &
contra formam Statuti in huiusmodi caſu edit. & proviſ. &
contra pacem diſtæ Dom. Regin. nunc Coram & Dignitatem
ſuas.

(141.) For making Flood-Gates to ſtop a Wa-
ter Courſe.

Juratores pro Dom. Regin. ſuper Sacramentum ſuum præſen-
tant quod A. B. nuper de C. in Com. præd. Ar. tali die
& Anno Vi & armis, &c. quosdam Kydellos Anglice vocat. Flood-
gates, in et ſuper quendam Rivulum vocat. C. apud D. in
Com. præd. fundavit et crexit et communem aquæ curſum ri-
vuli præd. a tempore cujus contrarij memoria hominum non ex-
iſtit fluen. et libere curren. a D. in præd. Com. D. ex parte
occidentali uſque quendam pontem vocat. New-Bridge in Com.
præd. D. verſus orientem ad D. præd. in præd. Com. D. diſt.
tertio die Martij Anno, &c. ſeptimo ſupradict. obſtupavit & ob-
ſtruxit per quas quidem obſtupationem & obſtruction. curſus a-
quæ

que atque rivuli præd. non solum communis via regia ducen. a D. in Com. D. præd. ex parte orientali præd. rivuli propinq; adjacent. inundat. fuit sed etiam pars pastur. juxta rivulum præd. existen. in C. præd. in Com. D. præd. eodem tertio die Martij Anno Regni dict. Domin. Regin. &c. supradict. usque ultimum diem Martij Anno supradicto penitus inundat. & submersa fuit & continuavit obstupationem & obstructionem prædictas a prædicto tertio die Martij anno decimo sexto supradicto usque ultimam diem Martij præd. per quod quamplur. ligei dict. Dom. Reg. juxta rivulum præd. in C. de D. præd. in Com. D. præd. Inhabitan. & commoran. prata & pastur. præd. possiden. & occupan. proficua et commoditates pratorum et pastur. præd. per longum tempus totaliter amiserunt et perdidērunt contra pacem dict. Dom. Reg. Coronam et Dignitatem suas.

(142.) For counterfeiting a Letter to get Money.

Juratores pro Dom. Reg. super Sacramentam suum præsentant quod quidam A. B. nuper de C. in Com. D. Gen. decimo sexto die Maij Anno Reg. &c. apud E. in Com. præd. quasdam falsas & contrafectas Literas in nomine cujusdam F. G. nuper de H. præd. in Com. præd. Militis cuidam J. K. adtunc Ballivo præd. L. M. manerii sui de N. præd in præd. Com. directas falso & deceptivæ affecit (Anglice contrived) fecit imaginat. fuit & devisavit posteaque scilicet eodem decimo sexto die Maij Anno supradicto idem A. B. prædict. falsas & contrafect. Literas præfacto J. K. sic adtunc Ballivo præd. L. M. præd. Manerii sui de N. præd. existen. falso & deceptivæ apud N. præd. in Com. præd. dedit & deliberavit colore & ratione (Anglice by colour and means) quarum quidem falsarum & contrafectarum literarum prædictarum sic ut præfertur præfat J. K. adtunc & ibidem deliberat. prædict. A. B. præd. decimo sexto die Maij Anno supradicto apud D. præd. in Com. præd. in manus & possessionem suam ad usum suum proprium sex libr. bonæ & legalis, &c. de bonis & catallis & denar. præd. de. præfat. J. K. sic ut præfertur adtunc Ballivo præd. F. G. in manerio suo de N. præd. existen. falso & deceptivæ obtinuit & acquirebeat ad grave dampnum ipsius F. G. in malum & pernitiosum exemplum aliorum in hujusmodi casu delinquent. & contra pacem dictæ Dom. Reg. nunc Coronam & Dignitatem suas.

(143.) For Extortion in a Bayliſſ of an Hundred by taking unjuſt Fees to excuſe a Freeholders appearance at the Aſſizes.

Juratores pro Dom. Reg. ſuper Sacramentum ſuum præſentant quod A. B. nuper de C. in Com. D. Yeoman exiſten. Ballivus Hundredi de N. in Com. præd. tali die & Anno colore & prætexu Officij ſui prædiſt. injuſte extorſive & de injuria ſua propria apud C. in præd. Com. de quodam E. F. uno liberorum tenentium infra Com. præd. duodecim denarios pro feodo ſuo pro excuſatione attendanc. ſive comparenc. præd. C. tempore Aſſizarum extunc præd. tenend. infra Com. præd. recipiebat & extorquebat ubi revera idem C. in nulla fur. panellæ per Vic. Com. præd. retornat. fuit ubi etiam revera nulla talis pecuniæ ſumma pro feod. ſuo præd. pro excuſatione attendar. ſive comparen. (Anglice for excuſing the Appearance) præd. C. præſat. A. adtunc debet. fuit in pernicioſum exemplum aliorum malefactorum ad grave dampnum ipſius C. ac contra formam diverſarum ordinationum in hujusmodi caſu edit. & proviſ. & contra pacem diſt. Dom. Reg. Coronam & Dignitatem ſuas.

(144.) Againſt a Conſtable for the Eſcape of a Priſoner committed for Felony.

Juratores pro Dom. Reg. ſuper Sacramentum ſuum præſentant quod cum quidam A. B. nuper de C. in Com. D. Labourer, pro quadam Felon. videlicet pro furatione duorum bovium cujuſdam E. F. capt. & arreſtat. fuit & poſtea ſcil. ſecundo die Februarij Anno, &c. apud G. præd. in Com. H. I. Armig. Juſticiar. diſt. Dom. Reg. ad pacem in Com. præd. conſervand. commiſſus fuit in cuſtodiam K. L. adtunc Conſtabular. Villæ de K. præd. exiſten. cum quodam Warranto præd. H. I. ad Gaolam diſt. Dom. Reg. Com. præd. ſalvo Ducend. quodq; præd. K. L. nuper de M. præd. in Com. præd. Labourer exiſtens Conſtabular. Villæ de K. prædiſt. & habens in cuſtodia ſua præſat. A. B. pro Felonia præd. ſecundo die Februarij anno, &c. ſupra-diſto apud N. præd. in Com. præd. præſat. A. B. e cuſtodia ipſius K. L. voluntarie & felonice ad largum ire permiſit contra pacem diſt. Dom. Reg. Coronam & Dignitatem ſuas.

(145.) For

(145.) For ſtealing a tame Dear.

Juratores pro Dom. Reg. ſuper Sacramentum ſuum præſentant quod A. B. nuper de C. in Com. D. Labourer, ſecundo die Februarij Anno, &c. Vi & armis, &c. apud C. præd. in Com. præd. unum Damam domesticum (Anglice one tame Buck) precii viginti ſolid. de bonis & catallis cujuſdam C. D. adtunc pro Dama domestico ſignat. (Anglice marked for a tame Buck) & præd. A. B. adtunc & ibidem ſatis ſciens eundem Damam Anglice Buck) fore Damam domesticum (Anglice a tame Buck) adtunc & ibidem felonice furat. fuit cepit & effugavit contra pacem dict. Dom. Reg. Coronam & Dignitatem ſuas.

(146.) For reſcuing a Felon from a Conſtable.

Juratores pro Dom. Reg. ſuper Sacramentum ſuum præſentant quod cum quidam A. B. nuper de C. in Com. D. Miles viceſimo die Septembris Anno, &c. exiſtens unus Juſticiar. dict. Dom. Reg. Com. ſui Devon. ad pacem in eodem Com. D. conſervand. necnon ad diverſas Felon. Transgr. & alia Malefacta in eodem Com. perpetrat. audiend. & terminand. assignat. prædicto viceſimo die Septembris anno ſupradicto quoddam Warrantum ſive præceptum cuidam E. F. nuper de G. in Com. præd. Yeoman, adtunc Conſtabular. dict. Dom. Reg. de C. ſupradict. in Com. præd. fecit direxit & deliberavit eidem E. F. Conſtabular. præd. per idem Warrantum ſuum præſcripiens quod non omitteret propter aliquam libertatem Com. præd. quin eam ingrederetur & attachiaret corpus cujuſdam H. I. nuper de K. in Com. præd. Labourer & eundem H. I. coram eodem A. B. Juſticiar. præd. vel uno ſociorum Juſticiar. pacis in Com. præd. duceret & haberet ad præſat. K. examinand. pro felonica furatione captionem & effugationem unius vaccae de bonis & catallis cujuſdam L. M. qui quidem E. F. Conſtabular. præd. poſtea ſcil. viceſimo tertio die Decembris anno ſupradicto apud S. præd. in Com. præd. virtute Warranti præd. eidem E. F. Conſtabular. præd. ſic ut præſertur direct. & deliberat. H. I. cum Warranto præd. cepit attachiavit & arreſtavit & eundem H. I. ex cauſa præd. ad propoſit. & intentionem præd. in cuſtodia ſua, adtunc & ibidem habuit & cuſtodiivit quidam tamen N. O. nuper de K. præd. in Com. præd. Gen. adtunc & ibidem ſatis ſciens præd. H. I. per præſat. E. F. Conſtabular. præd. cum præd. Warran. præd. fore arreſtat. & attachiat. Vi & armis, &c. præd. viceſimo tertio die Septembris anno ſupradictæ apud S. præd. in Com. præd.

præd. præfat. H. I. extra custodiam præd. E. F. Constabular præd. contra voluntatem ipsius E. F. Constabular. præd. adtunc & ibidem felonice cepit & rescussit & eundem H. I. adtunc & ibidem evadere & ad largum ire quo voluit permisit in magnum dict. Dom. Regin. nunc contemptum ac in malum & perniciosum exemplum aliorum in huiusmodi casu deliquen. necnon contra pacem dict. Dom. Reg. Coram & dignitatem suas.

(147) For keeping a Bawdy House.

Juratores pro Dom. Regina super Sacramentum suum præsentant quod A. B. uxor C. D. nuper de Parochia Sancti Egidii in Campis in Com. Midd. Yeoman, alias dicta E. F. nuper de Parochia præd. in Com. præd. Spinster, vicesimo quinto die Julii anno Regni Dom. nostræ Annæ Dei gratia Angliæ, Scotiæ, Franciæ & Hiberniæ Regin. fidei Defensoris, &c. quinto & diversis aliis diebus & vicibus tam antea quam postea apud Paroch. præd. in Com. præd. custodivit & manutenit & ad hoc custodit & manutenet communem domum lupanar. (Anglice a common House of Bawdry) in qua quidem domo diversæ male dispositæ personæ & Meretrices Jur. præd. ignot. per procuracionem & persuasionem ejusdem E. F. scortacionem & fornicacionem tam per noctem quam per diem adtunc & ibidem commiserunt & committere adtunc & ibidem consuever. in magnam inquietationem & perturbationem omnium ligeorum subditorum dict. Domine Regin. ibidem commoran. in malum exemplum omnium aliorum in huiusmodi casu deliquen. Ac contra pacem dict. Regin. nunc Coronam & Dignitatem suas.

(148) For keeping a Servant that goes not to Church.

Juratores pro Domina Regina super Sacramentum suum præsentant quod A. B. nuper de C. in Com. D. Vidua, primo die Maii, anno &c. post editionem actus in Parlamento dict. Dom. Regin. apud Westm. anno Regni sui Angliæ, &c. tertio edit. scil. præd. primo die Maii anno supradicto voluntarie & libenter retinuit & custodivit (Anglice did willingly retain and keep) in domo sua quendam E. F. servum suum (Anglice her Servant) continue per spacium duodecim mensium integrorum insimul præd. a primo die Maii, anno supradicto usque ad quartum diem Maii anno Regni dict. Domine Annæ Dei Gratia nunc Reg.

Reg. Angliæ, &c. decimo tertio & Scotia quadrageſimo oſtavo qui quidem E. F. non acceſſit (Anglice did not repair) alicui Eccleſiæ Capellæ aut uſuali loco communis precationis ad audiendum divinum Servitium ſed abſtinuit ab eiſdem (Anglice did forbear the ſame) per præd. ſpaciū prædiſtorum duodecim menſum contra pacem dictæ. Domin. Regin. Coronam, &c. ſuas. Et contra formam Statuti in huiusmodi caſu edit. & provis.

(149) For an Affault in an Houſe.

Juratores pro Domin. Regin. ſuper Sacramentum ſuum præſentant quod A. B. nuper de Parochia Sancti Andree Holborn in Com. Midd. Bricklayer, viceſimo tertio die Maii anno Regni Domin. noſtr. Annæ Dei Gratia Angliæ, Scotiæ, Franciæ & Hebernæ Regin. Fidei deſenſoris, &c. quinto, vi & armis, &c. apud Parochiam præd. in Com. præd. domum manſionalem cujuſdam C. D. ibidem ſitua. adtunc & ibidem illicite & injurioſe fregit & intravit & ſuper quendam E. F. Uxor. præd. C. D. in pace Dei & dictæ. Domin. Regin. nunc in eadem domo manſionali adtunc & ibidem exiſten. inſultum fecit & ipſam C. D. adtunc & ibidem verberavit vulneravit & male tractavit. Ita quod de vita ejus maxime deſperabatur, & alia enormia eidem C. D. adtunc & ibidem intulit, ad grave dampnum ipſius C. D. & contra pacem dictæ. Domin. Regin. nunc Coronam & Dignitatem ſuas.

(150) For maintaining of Inmates.

Juratores pro Domina Regin. ſuper Sacramentum ſuum præſentant quod A. B. nuper de Parochia Sancti Sepulchri in Com. Midd. Bricklayer, decimo quinto die Maii anno Regni Dom. noſtr. Annæ Dei Gratia Angliæ, Scotiæ, Franciæ & Hibernæ Regin. Fidei deſenſor &c. primo exiſtens proprietor cujuſdam tenementi apud Parochiam præd. in Com. præd. dictum tenement in quatuor ſeperal. tenementa pro inhabitatione adtunc & ibidem diſiſt & convertit, & quod præd. A. B. ſeparales ſubtenentes cum Familiis ſuis in dictis tenementis per ipſum ſic ut præfertur diſiſt. & converſ. cohabitare ibidem voluntarie locavit dictosque ſeparales ſubtenen. cum Familiis prædicto decimo quinto die Maii anno ſupradicto uſque diem captionis huius inquiſitionis in dicto tenemento per prædict. A. B. ſicut præfertur diſiſt. & converſ. cohabitare

cohabitare & commorari permittit in magnam periculum inficiend. inhabitant. ibidem cum pestilenc. & aliis morbis contagiosis ac ad depauperationem Parochianorum Parochiæ præd. & ad Parochiam illam cum multitudine pauperum onerand. ad commune nocumentum omnium ligeorum subditorum dict. Dom. Regin. ibidem commoran. necnon contra pacem dict. Dom. Regin. nunc Coronam & Dignitatem suas.

(151) For selling Ale without Licence.

Juratores pro Domina Regin. super Sacramentum suum præsentant quod A. B. nuper de Saffron-Hill, in Com. Midd. Yeoman, primo die Maii, anno Regni Dom. nostræ Annæ Dei Gratia Angliæ, Scotiæ, Franciæ & Hiberniæ Regin. Fidei Defensor. &c. primo & diversis aliis diebus & vicibus tam antea quam postea apud Saffron-Hill in Com. præd. ex autoritate sua propria & sine ulla licentia admissione vel allocatione duorum Justic. dict. Dom. Regin. ad pacem in Com. præd. conservand. assign. assumpsit super se custodire & adtunc & ibidem custodivit communem Domum Tipulator. (Anglice a Common Alehouse) & in eadem domo adtunc & ibidem communiter & publice vendidit utteravit & utterari causavit cervitium & potum lupulat. (Anglice Ale and Beer) diversis ligais subditis dict. Dom. Regin. in contempt. dict. Dom. Regin. nunc legumque suarum & contra pacem dict. Domina Regin. nunc Coronam & Dignitatem suas, necnon contra formam Statuti in hujusmodi casu edit. & provis.

(152) For Burglary in a Dwelling House by Night, and against a Constable for not prosecuting and Hue an Cry.

Juratores pro Domina Regina super Sacramentum suum præsentant quod quædam personæ adtunc ignot. decimo nono die Maii anno Regni Domine nostræ Annæ, &c. vi & armis, &c. Domum mansionalem cujusdam A. B. apud C. in Com. præd. circa horam secundam post meridiem in nocte ejusdem diei felonice & burglariter fregerunt & intraverunt & unam thecam birretam vocat. a Cap. case, & unam chlamydem vocat. a Cloak ad valenc. quadraginta solidorum & unum gladium ad valentiam sexdecim solid. de bonis & catallis ipsius D. adtunc & ibidem invent' felonice & burglariter furat. fuerunt ceperant & asper-

taverunt

tauerunt contra pacem dict. Dom. Reginae nunc Coronam & Dignitatem suas prædictasque A. B. immediate post Burglariam & Feloniam præd. in forma præd. facti & perpetrati. (viz.) vicesimo die Martii anno, &c. supradicto circa horam nonam in nocte ejusdem diei apud C. præd. levavit & levare procuravit hutefiam & clamorem ad prosequend. Felones præd. secundum formam Statuti Dom. Edw. nuper Regis Angliæ primi apud Westm. anno Regni sui vicesimo quinto in hujusmodi casu nuper edit. & provis. ratione cujus vestigationis & prosecutionis felonie & burglariae hutefiæ & clamoris præd. per notitiam & mentionem adtunc dat. C. D. adtunc Constabular. de S. in Com. præd. Yeoman, & E. F. de eadem Labourer hutefiam & clamorem felonie & burglariae prædictorum ulterius non prosecut. fuer. secundum formam Statuti præd. & debitam legis firmam hujus Regni Angliæ per quod Felones illi impuniti evaserunt & escapaverunt contra formam Statut. præd. ac contra pacem dict. Dom. Regin. nunc Coronam & Dignitatem suas.

(153) For being a common Inticer of Servants from their Service.

Juratores pro Dom. Regina super Sacramentum suum præsentant quod A. B. de C. in Com. præd. Yeoman quarto die Martii anno Regni Domine nostræ Annæ Dei Gratia Angliæ, Scotiæ, Franciæ & Hiberniæ Reginae, Fidei defensoris, &c. apud M. prædict. in præd. Com. C. procuravit & causavit D. E. servient. F. G. in servitio suo ibidem. existen. abire ab eodem servitio cujus quidem procuracionis prætextu idem D. E. a servitio præd. F. G. adtunc & ibidem recessit & quod idem A. B. est communis procurator servientium diversorum Ligeorum Dom. Regin. ita quod ligei Dom. Regin. de hujusmodi servient. ad negotia sua perimplend. multipliciter gravat. existunt in Dom. Reginae contemptum & quam plurimorum Ligeorum Dom. Reginae deteriorationem manifestam.

(154) For a Nufance of a decayed Bridge in the Highway.

Juratores pro Dom. Regin. super Sacramentum suum præsentant quod Pons publicus & communis situs in alta Regia via super flumen de A. infra Parochiam de B. in Com. C. est & per aliquot annos jam prox. elaps. fuit valde ruinosus & in maximo decasu

ob defectum reparationis adeo ut subditi dictæ Dom. Reginae in super trans vel ultra dictum Pontem per se, vel cum eorum equis bigis aut cariagiis redire aut transire non audent aut possunt ad commune nocumentum omnium vicinorum & compatriatorum in dicto Com. C. habitant. quorum interest rationi negotiorum suorum ibi transire Et ulterius quod prorsus nescitur quæ personæ quæve terræ tenementa aut corpora corporata & politica eundem pontem aut aliquam indem parcellam de jure reparare debent aut consueverunt.

(155) For pulling down a Bridge.

Juratores pro Dom. Regina super Sacramentum suum præstant quod cum a tempore quo memoria hominum in contrarium non existit fuit quidam pons lapideus in B. in Com. C. vocat A. per & trans quem quidam pontem omnes Inhabitantes Villæ de D. præd. in Com. præd. per tempus præd. habere consueverunt ingressam & regressum ad quendam locum vocat. E. pro negotiis eorundem faciend. quidam tamen F. G. de B. præd. in Com. præd. Gen. duodecimo die Marci anno Regni Dom. nostræ Annæ Dei gratia Angliæ, Scotiæ, Franciæ & Hiberniæ Reginae Fidei defensoris, &c. quinto, vi & armis, &c. præfat Pontem effodit prostravit & spoliavit & abcarriavit per quos Inhabitantes ibidem ingressum ad præd. locum pro prædictis negotiis suis faciend. habere non possunt & alia enormia per eum tunc & ibidem facta sunt ad grave & commune nocumentum prædictorum vicinorum ibidem & contra pacem dict. Dom. Reg. nunc Coronam & Dignitatem suas.

(156) For a Riot in a Park, and wounding the Keeper, &c.

Juratores pro Dom. Regina super Sacramentum suum præstant quod A. B. de C. in Com. D. Labourer, E. F. de G. in Com. H. Yeoman, & I. K. de L. in Com. præd. Weaver, aggregat, &c. riotose & routose & modo novæ insurrectionis & in convent. illic. & modo guerrino arrarat. vi & armis, &c. decimo septimo apud M. in Com. N. præd. clausum & parcum cujusdam O. P. Armiger. ibidem sese illicito riotose & routose assembler. congregaver. & vener. ad pacem dict. Dom. Reg. disturband. & adtunc & ibidem in quendam Q. R. Gen. custod. parci præd. & in S. T. servien. ipsius

R. & contra pacem dict. Dom. Reg. existen. insult. fecer. & ad. Q. R. un. sagitt. quodam arcu tent. quem idem Q. R. manibus suis adtunc & ibidem habuit. & tenuit sagit. & eundem Q. R. cum sagit. præd. in pectore suo percuss. dantes idem Q. R. un. plagam profundit. dimid. pollicis & latitud. cuius pollicis ita quod de vita sua desparabatur & alia enormia s. intuler. ad grave dampnum ipsorum S. T. & Q. R. & contra pacem dict. Dom. Reg. nunc Coronam & dignitatem suas & contra formam Statuti in huiusmodi casu edit. & provis.

157.) For entertaining Whores, Vagabonds and idle suspected persons.

Uratores pro Dom. Reg. super Sacramentum suum presentant quod A. B. de C. in Com. D. præd. Huckster in domo sua continue recept. hospit. & supportat. vagabundas meretrices & alios diversos homines otiosos suspect. & male conversationis & continue custod. malam regulam & gubernationem in domo sua ad grave nocumentum & perturbationem omnium vicinorum suorum & contra formam diversorum Statutorum ac contram pacem dict. Dom. Reg. nunc Coronam & Dignitatem suas.

158.) Against a Vagabond and his Reliever for lodging him.

Uratores pro Dom. Reg. super Sacramentum presentant quod A. B. de C. in Com. D. Yeoman, ætatis viginti annorum ut amplius & corpore sano valent. potent. atque ad laborand. abili exist. nullam autem habens terram nec ullum Magistr. nec aliqua utens licita Merchandiza Arte vel Misterio unde bi aliquid parare possit; ac nesciens rationem reddere quo facto victum suum legitimum aquirat tricesimo die Martij anno Reg. Dom. nostræ Annæ Dei grātia Angliæ, Scotiæ, Franciæ & Hiberniæ Reg. Fidei defensor. &c. quinto apud infra Hundredum de E. in Com. D. præd. & multis aliis in locis dict. Com. D. huc illuc passim vagatus est mendicans ac per I. J. de F. præd. in Com. præd. Labourer, Constabularium dict. Hundredi de E. in quo sita est villa de D. præd. postea, viz. duodecimo die dicti mensis Martij anno supradicto apud F. præd. in Com. præd. invent. est vagrans & mendicans ac per eundem Constabularium tunc deprehensus est inordinate se gerens tanquam vagabundus & mendicans valens contra pacem dict. Dom. Reg.

ac contra formam diverſorum Statutorum in diverſis Parliamenti diſt. Dom. Reg. tunc inde proviſorum & editorum & aliterius quod G. H. de I. præd. in Com. præd. K. L. ſciens præſat M. N. modo & forma præd. vagrantem & mendicantem eundem tamen M. N. diſt. duodecimo die Martii anno ſupradicti in domo ipſius G. H. manſionali apud F. præd. in Com. præd. hoſpitavit & ibidem M. N. tunc & ibidem panem & potum voluntarie dedit in contemptum diſt. Dom. Reg. ac contra formam Statutorum prædictorum, &c.

(159) Againſt an Hundred for not keeping
Sea-Watch.

Juratores pro Dom. Regina ſuper Sacramentum ſuum præſentant quod ubi homines & inhabitantes Hundredi de N. in Com. A. præd. antiquitus viz. ante annum Regni Domini noſtri Henrici nuper Regis Angliæ quarti cujuſdam Maritimas & minutas vigilias Anglice vocat. Sea-Watches, tempore belli per coſterum Maris in quodam loco vocat. B. in dicto Com. C. per quatuor homines in ſingulis noctibus a tempore cujus contrarium memoria hominum tunc non exiſtebat cuſtodire debebant & ſolabant dicti tamen Hundredi de C. homines & inhabitantes nunc tempore nuper belli viz. vicesimo quinto die Auguſti Anno Regni Domine noſtræ Annæ Dei Gratia Angliæ, &c. quinti uſque triceſimum diem ejuſdem Menſis, anno ſupradicto prædicti vigilias apud C. præd. modo & forma præd. facere & cuſtodire voluntarie prætermiſerunt ac in eiſdem vigiliis tunc ibidem ſicut præfertur faciendis, a cuſtod. voluntariam fecerunt deſertare in dict. Dom. Reg. contemptum ac huius Regni Angliæ diſcrimen non modicum ac contra formam Statuti in Parlamento Domini Henrici nuper Regis Angliæ quarti tent. anno Regni ſexti quinto in huiusmodi caſu edit. & proviſ. &c.

(160) Againſt one uſing a Plough and not
helping to amend the Highways.

Juratores pro Dom. Reg. ſuper Sacramentum ſuum præſentant quod die Veneris ſcilicet vicesimo octavo die Auguſti anno Regni Domine noſtræ ANNÆ Dei Gratia Angliæ, Scotiae Franciæ & Hiberniæ Regine Fidei deſenſor. &c. quinto, A. E. Conſtabularius Villæ de G. in dicto Com. D. E. & F. G. tunc Gaardiani Eccleſiæ Parochialis de H. prædicti in Com. prædicti exiſten

exiſtent. vocatis ad ſe multis aliis Parochianis dictæ Parochiæ de K. tunc & ibidem eligerunt quosdam L. M. & N. O. duas honſtas ejusdem Parochiæ perſonas inſuper viſores pro anno integro tunc prox. ſequend. pro emendatione & reparatione altarum Regiarum viarum infra dictam Parochiam de K. ducentium a Villis Mercatoriis ad Villas Mercatorias. Ac etiam tunc & ibidem nominaverunt & appunctuav. ſex dies (viz.) primum, ſecundum, tertium, quartum, quintum & ſextum dies Menſis Julij tunc prox. ſequen. pro dicta emendatione illius viæ Reg. ibidem quæ eſt inter, &c. atque de eiſdem ſex diebus ſic per eos ut præfertur nominat. & appunctuat. dederunt palam poſtea ſcilicet die Martis tunc prox. ſequente publicam notiſ. in dicta Eccleſia Parochiali de D. præd. in Com. præd. quidam tamen A. B. Parochianus Parochiæ prædictæ in Com. præd. J. exiſtens ac tunc habens & occupans in dicta Parochia de C. in Com. I. præd. unam integram carucatam terræ Anglice vocat. a plough'd Land ad nullum dictarum primi, ſecundi, tertii, quarti, quinti & ſexti dierum dicti Menſis Julij ſupra- dicto ——— invent aut miſit currum inſtructum (Anglice Cart furniſhed) equis bobus aut aliis animalibus & neceſſariis instrumentis ſecundum morem patriæ ibidem nec ullos abiles homines erga emendationem & reparationem dictarum viarum aut earum aliquam inde parcellam ſed inde tunc ibidem voluntarie fecit default. in dicta Dom. Reg. contemptum ac contra formam diverſorum Statutorum in huiusmodi caſu editi & proviſ.

161.) For uſing the Trade of a Higler, Kidder, Lader, Carrier, Buyer and Seller without Licence.

Uratores pro Dom. Reg. ſuper Sacramentum ſuum præſentans quod A. B. nuper de Paroch. St. Andreæ Holborn in Com. Midd. Yeoman, tertio die Auguſti, Anno Reg. Dom. noſtræ Annæ Dei Gratia Angliæ, Scotiæ, Franciæ & Hiberiæ Reg. Fidei Deſenſor. &c. quinto, & diverſis aliis diebus & vicibus, tam antea quam poſtea apud Paroch. præd. in Com. præd. exercuit & occupavit facultatem emptoris & ventoris butiri caſei ovor. pullitarum & aliarum mort. victual. Anglice vocat. the Faculty of a Kidder, Lader, Carrier, Buyer and Seller of Butter, Cheeſe, Eggs, Poultry and other dead Viſtuals) idem G. R. aliquam generalem ſeſſionem iſtis coram Juſtic. dictæ Dom. Reg. ad pacem in Com. præd. ſervand. assign. in eodem Com. tenit. ad facultatem illam non

admiſſ. vel assign. in Contemptum dictæ Dom. Regine nunc legumque suarum in malum exemplum omnium aliorum in hujusmodi casu delinquen. Et contra pacem dict. Dom. Regine nunc Coronam & Dignitatem suas, &c. necnon contra formam Statuti in hujusmodi casu edit. & provis.

(162) Against an Incorrigible Rogue.

Juratores pro Dom. Regina super Sacramentum suum præsentant quod quidam A. B. nuper de Paroch. Sanct. Egidii in Campis in Com. Midd. præd. Yeoman secundo die Maii anno Regni Dom. nostræ Annæ Dei gratia Angliæ, Scotiæ, Franciæ, & Hiberniæ Regin. Fidei defensor, &c. quinto, ætatis septem annorum & ultra existens omnivagus (Anglice a Rogue) incorrigibilis & periculosus qui non vult reformari de Vago & Vagabundo more suo vitæ apud G. præd. in Com. præd. prædicto secundo die Maii anno supradicto & in diversis aliis locis in Com. præd. & diversis aliis diebus & vicibus, tam antea quam postea tanquam omnivagus (Anglice a Rogue) incorrigibilis & periculosus mendicatus fuit vagavit pererravit & male se gessit in magnum periculum generis inferioris (Anglice the inferior Sort) populi de C. præd. & terrorem non modicum aliorum dict. Dom. Reg. ligeorum subditorum in præd. Com. in malum & perniciosum exemplum aliorum in hujusmodi casu delinquen. & contra pacem dict. Dom. Reg. Coronam & Dignitatem suas & contra formam Statuti in hujusmodi casu edit. & provis.

(163) For erecting a Shed in the Highway.

Juratores pro Dom. Regina super Sacramentum suum præsentant quod A. B. nuper de Parochia Sanctæ Mary-le-Bow in Com. Midd. Yeoman, octavo die Julii anno Regni Dom. nostræ Annæ Dei gratia Angliæ, Scotiæ, Franciæ, & Hiberniæ Regin. Fidei Defensor, &c. quinto, vi & armis, &c. apud Paroch. præd. in Com. præd. super communem altam viam Regiam ibidem fecit erexit & ædificavit & fieri erigi & ædificari causavit unum tectum (Anglice one Shed) de ligno & aliis materialibus fact. & eodem tecto adtunc & ibidem inclusit incrochiavit & obstrupavit quandam partem communis altæ viæ Regiæ præd. continent. in longitudine decem pedes & in latitudine decem pedes. Et præd. partem communis altæ viæ Regiæ præd. sic ut præfertur per ipsum C. D. incluf. incrochiat. & obstrupat.

obstruat. idem C. D. octavo die Julii anno supradicto usque diem Captionis hujus inquisition. scil. decimum septimum diem Julii ex tunc prox. sequent. anno supradicto vi & amis, &c. apud Paroch. præd. in Com. præd. sic inclus. introhiet. & obstruat. continuavit & adtunc continuat ad grave dampnum & commune nocumentum omnium ligeorum subditorum dict. Dom. Reg. tam ibidem inhabitantium quam per communem altam viam Regiam præd. transeuntium equitantium & laborantium. Et contra, &c.

(164) Felony for stealing a Cloak.

Uratores pro Dom. Regin. super Sacramentum suum præsentant quod R. H. nuper de Paroch. Sancti Barthol in Com. Midd. Stationer, duodecimo die, &c. anno Regni, &c. vi & armis, &c. apud Paroch. præd. in Com. præd. unum pallium anni lanei (Anglice a Cloth Cloak) ad valentiam quadragint. solidorum de bonis & catallis cujusdam A. T. adtunc & ibidem invent. adtunc & ibidem furat. fuit cepit & apportavit contra pacem dict. Dom. nostræ Regine Coronam & Dignitatem suas.

Irish Cattle, &c.

(165) A Warrant to seize Irish or Foreign Cattle imported into England.

To the Constables, &c.

Devon. ss. W Hereas I am informed, That there are late-18 Car. 2.
ly imported into England from Ireland, or c. 2.
some other Foreign parts, and are now remaining in 20 Car. 2.
your Parish of C. certain Cattle and Beasts prohibited c. 7.
by the late Acts of Parliament to be imported. These 32 Car. 2.
are therefore in her Majesties Name to give you Notice c. 2.
thereof, and to will and require you, and every of you
forthwith after sight hereof, to use your utmost dili-
gence and endeavour to search for, find out and dis-
cover the same Cattle and Beasts, and the same to seize
and take into your Custody, to the intent the same may
be proceeded with as by the said Act is appointed.
Given, &c.

(166) A Warrant to kill the said Cattle.

To the Constables, &c. or to the Seizor of the Cattle, [as the Case is.]

32 Car. 2. *Devon. ff.* **W**Hereas I am given to understand, That you
c. 2. §. 5. some or one of you, having seized within
your Parish certain Cattle and Beasts, namely, six Oxen,
four Kine, &c. [*naming the sorts and number*] late belong-
ing to or in the Possession of *E. S.* as forfeited for being
imported out of *Ireland*, or some other Foreign Parts
beyond the Seas contrary to the Acts of Parliament in
that behalf; and that the Importer or Importers there-
of have been convicted of such Importation and Forfeit-
ure of the said Cattle; Yet nevertheless you the said
Seizor or Seizors by the space of six days next after such
Conviction and Forfeiture, have delayed and still do
delay or neglect to cause the same Cattle to be killed,
whereby the Distribution thereof according to the said
Acts is retarded and hindred. These are therefore in
her Majesties Name, to require you immediately upon
sight hereof to cause the said Cattle to be killed, to the
end that the same may be forthwith distributed, as by
the said Acts is required. And hereof fail not, &c.

(167) A Warrant to levy 40 s. upon the
Churchwardens or Seizor that shall fail in
killing or making distribution as aforesaid.

To the Constables, &c.

Devon. ff. **W**Hereas I am given to understand,
That *J. S.* having seized within
your Parish certain Cattle and Beasts, namely, six Oxen,
four Kine, &c. lately belonging to or in the possession
of *E. F.* as forfeited for being imported from Foreign
Parts beyond the Seas, contrary to the late Acts of Par-
liament in that behalf, and that the same are convicted
and forfeited according to the said Acts, yet the said
J. S. by the space of six days next after such Conviction
and Forfeiture hath delayed, and still doth delay to cause
the same Cattle and Beasts to be killed, and distribution
to

to be made thereof according to the said Acts. These
 are therefore in her Majesties Name to will and require
 you forthwith after sight hereof, to levy or cause to be
 levied the Sum of 40 s. for every one of the said great
 cattle and 10 s. for every of the said Swine which should
 have been killed and distributed as aforesaid, in pursu-
 ance of the said Acts by Distress and Sale of the Goods
 and Chattels of the said J. S. rendring the said J. S. the
 overplus (necessary Charges of Distraining being first
 deducted.) And in default of such Distress to commit
 the said J. S. to the Common Gaol of the said County
 there to remain for the space of three Months without
 bail or Mainprize according to the Statute in that behalf
 made. Hereof fail not. Given, &c.

68.) A Warrant to deliver to the Owners
 certain Cattle being seized as forfeited by
 the said Acts.

To the Constables, &c.

Given. ss. **VV** Hereas Complaint hath been made 18 Car. 2.
 to me, that you, or some, or one *cap. 2.*
 you have or hath seized or taken into your Custody
 certain Cattle belonging to or late in the possession of G.
 namely, ten Oxen, six Kine, two Heifers, &c. as for-
 feited for being imported out of *Ireland* into *England*,
 contrary to the late Acts of Parliament in that behalf,
 now forasmuch as the said G. H. within 48 hours after
 such Seizure hath made it appear to me by the Oath of
 two credible Witnesses, that the said Cattle were not
 imported from *Ireland* aforesaid, nor any other place
 beyond the Seas contrary to the said Acts. These are
 therefore in her Majesties Name to will and require
 you forthwith upon sight hereof to deliver unto the
 said G. H. the said Cattle and every of them without
 delay according to the said Acts, as you will answer
 the contrary. Given, &c.

Note, The like Warrants may serve for any prohibi-
 ted Goods, (*mutatis mutandis.*)

Licences.

(169.) A Licence for a common Higler.

*Die Veneris ——— Die ——— Anno Reg. Dom. nostræ Annæ
 Dei gratia Angliæ, Scotiæ, Franciæ & Hiberniæ
 Reg. F. d. Defensor. &c. quinto.*

Devon. ff. **A**T the General and open Quarter Sessions of the Peace holden at *E.* in the said County the Day and Year above written, *J. S. of T.* in the County aforesaid being now present in this Court is licensed and allowed in open Court by the Justices of the Peace of the said County, to be a common Higler, Lader, Kidder, Carrier, Buyer and Seller of Hens, Chickens, Capons, Eggs, Butter, Cheefe, Fish, and all other dead Victuals (except Pheasants, Hares and Partridges) in any open Market or Fair within this Kingdom of *England*, to use and occupy the said Office and dealing as aforesaid, according to the Laws and Statutes of this Realm in that case made and provided. This Licence to continue only for the space of one whole Year next coming from the Day of the Date hereof, and no longer. In witness whereof three of the Justices of the Peace of the said County being present at the said Sessions have signed and sealed this present Licence with their Hands and Seals the Day and Year above written.

(170.) A Licence for a Badger of Corn.

Die, &c.

6 Ed. 6. Devon. ff. **A**T the General Sessions of the Peace holden cap. 14. at *E.* in the County aforesaid this present
13 Eliz. day *A. B. of C.* in the County aforesaid is admitted, li-
 cap. 25. censed and appointed by the Justices of the Peace of the
made per- said County to be a Common Badger, Lader, Kidder,
petual. Carrier, Buyer or Transporter of all manner of Corn
5 El. c. 12. or Grain in any Market or Fair within the Realm of
21 Jac. 1.
 cap. 22. *3 Justices, 1 Quorum. Not for above a Year.*

England,

England, and the same so bought to convert to Meal, and the same to carry to the City of *L.* or the Suburbs of the same, or to any other Market or Fair, so that he use the same according to the tenor and true meaning of the Statute in that case made and provided against Foretallers, Regrators and Ingrossers, and not otherwise. The same Licence to have continuance from the Day of the Date hereof until the next General Sessions of the Peace after the Feast of *St. Michael* the Archangel next coming, to be holden at *E.* aforesaid. In Witness whereof we have hereunto set our Hands and Seals this——Day of——*Ann. Dom.* 1695.

A. B. C. D. E. F.

Sessions may inquire of and determine the Licences for Badgers, &c. which are to be granted in open Sessions, 5 *Eliz. cap.* 12. *Crompton* 124.

By the same Statute, a Licence may be granted to Drovers of Cattle to buy and sell again.

A Presentment, Bill or Information against Drovers and Badgers on 5 *Eliz. cap.* 12. on Examination of two lawful Witnesses shall be as if they had been indicted by twelve.

(171.) A Licence for a Petty Chapman.

To the Bailiffs, Constables and others of her Majesties Officers of the same County, and to every of them, Greeting.

Devon. ss. **K** Now ye, That we *A.B.* and *C.D.* Esquires, two of her Majesties Justices of the Peace within the County aforesaid, have licensed, and by these Presents do Licence *E. F.* of *G.* in the County aforesaid, Yeoman, to be a Petty Chapman to travel and go from Town to Town, Village to Village, and Place to Place to sell Pins, Points, Tapes, Laces, Knives, Combs, &c. and such other kind of small Wares, and also to gather and buy Cony-skins, Hare-skins, and such kind of small Wares within the County aforesaid, and not elsewhere, provided that this our Licence shall continue in effect only for one whole year, from the Day of the Date, and no longer. In Witness, &c.

(172.) A Licence for a Poor Man to travel to his Friends, &c.

To all Constables, &c. (ut antea.)

Devon. ss. **A** B. and C. D. Esquires, two of her Majesties Justices of the Peace for the same County, greeting. Whereas the Bearer hereof *E. F.* of G. &c. being a Poor Man, and in necessity, hath desired a Testimonial or Licence for his safe Travel unto the Town of *H.* in the County of *L.* where he saith he was born, and hath some Friends there yet living, by whom he hopes to be relieved. In consideration whereof, Know ye; That we the said *A. B.* and *C. D.* as much as in us lieth, do Licence the said *E. F.* to travel the direct way from *G.* in the said County of *D.* to the said Town of *H.* in the County of *L.* so as his Journey be not for longer or farther continuance than twenty Days next after the Date hereof, praying you and every of you to suffer him to pass in peace, so that he demean himself orderly, and shew himself in no respect offensive to her Majesties Laws. In Witness whereof, &c.

(173.) A Licence to Beg.

To all Constables, &c.

22 H. 8.
Cap. 12.

Devon. ss. **A** B. and C. D. Esquires, two of her Majesties Justices of the Peace within the County aforesaid, greeting: Whereas the Bearer hereof *E. F.* of *G.* in the County aforesaid, being a very Poor Man, and hath lost the use of his Right hand, by reason whereof he is not able to labour, nor to get a Livelihood of himself without the charitable Relief of others, and being now an Inhabitant in the said Town of *G.* which said Town of *G.* is at present charged with more Poor and impotent People than it is able to relieve. Know ye therefore that we the said Justices have licenced and allowed the said poor Man to go abroad and beg, gather and receive the charitable Alms of well disposed People inhabiting and dwelling within the Hundred of *H.* in the said County, requiring you not to molest or trouble the

he said poor Man for so doing, but desiring you rather to relieve him in his necessity as to you shall seem meet : This our Licence to remain and be in force for one whole Year next ensuing the Date hereof, and not longer. In Witness, &c.

Lord's Day.

174.) A Warrant to levy the Forfeitures on such as use Sports and Plays on the Lord's-day, &c.

To all Constables and Borsholders, &c. and to the Churchwardens of the Parish of S. within this County of S. and every of them.

Know all Men, That Whereas J. N. Butcher, R. S. Shoemaker, J. I. Car. I. L. Weaver, J. P. Taylor, J. D. Blacksmith, cap. I. R. Tanner, N. P. Labourer, &c. all of your Parish of S. All Con- within this County, having been lawfully convicted be- course of ore me, that they on the thirtieth day of July last past, People out being the Lord's-day, did cause or maintain, or keep of their Assembly, Meeting or Concourse at C. in this Coun- own Pa- rish, being out of their own Parish, for Sports and Pa- rishes for times, namely, Footbal, Wrestling, Cards and Dice [or any Pass- the case is] contrary to the Acts of Parliament in that time what- se made and provided, by which each of them hath soever, as rfeited 3 s. 4 d. a-piece for the use of the Poor of your Bearbait- arish, to be levied by the Constables and Churchwar- ings, Bull- ens by Distress and Sale of the Goods of the Offenders, baitings, and in default of Distress to be put in the Stocks for Enterludes, three hours. These are therefore in her Majesties Name Common authorize and require you forthwith to levy the same Plays, and um of 3 s. 4 d. of every of the above-named Persons, all other d of their Goods respectively, by Distress and Sale unlawful ereof, rendring to them the overplus, and in case of Pastimes ant of Distress, that then you see that the same person or are prohi- rsons wanting Distress be set publickly in the Stocks bited on the b the space of three hours, and the same Money forfei- Lords day. id, being by you received, that you take care that the Justice ne beby you imployed to the use of the Poor of your by View rish, according to the said Act. Given, &c. or Confes- sion, or by

Each of one Witness, to be prosecuted within one Month after the Offence.

(175) A Warrant to levy the Penalty on Carriers, &c. that travel upon the Lord's-day.

To the Constables, &c. as in the aforesaid Warrant.

3 Car. 1. *Devon. ss.* **F**Orasmuch as it being duly proved before me, That R. S. of your Parish of N. a common Carrier, (Waggoner, Carter, Wainmen, Butcher by View or and Drover of Cattel, as the Case is) the seventh day of May now last past, being the Lords-day, in your Parish of N. aforesaid, did, being then a common Carrier with his Horses, &c. travel into and through your said Parish of N. contrary to the Statute in that case provided, by which he hath forfeited 20 s. to the use of the Poor of your said Parish of N. These are, &c. to authorize and require you forthwith to levy the same Forfeiture of the Goods of the said R. S. by Distress and Sale thereof rendring to him the Overplus, and the same so by him received, that you see it be employed to the use of the Poor of your Parish, according to the intent of the said Act. Hereof fail not at your Peril. Given under my Hand and Seal.

(176) A Warrant to levy the Forfeiture on a Butcher for killing Meat on the Lords-day.

To the Constables, &c. as aforesaid.

3 Car. 1. *Devon. ss.* **F**Orasmuch as it being duly proved before me, That C. D. of your Town, Butcher (or any one by his privity or consent) did in N. aforesaid, the seventh day of May now last past, being the Lords-day, kill or cause to be killed, Victuals (*viz.*) one Sheep (or did sell Victuals) contrary to the Act of Parliament in that case made and provided, whereby he hath forfeited for the said Offence 6 s. 8 d. to the use of the Poor of the said Parish of N. These are therefore (in her Majesties Name) to authorize and require you forthwith to levy the said forfeiture of the Goods of the said C. D. by Distress and Sale thereof, rendring to him the Overplus

plus (if any be) and the same so by you received, that you see it be employed to the use of the Poor of the Parish, according to the intent of the same Statute; and hereof fail not, &c. Given under my Hand and Seal, &c.

177) A Warrant against Officers for Negligence.

*To the Constables and Overseers of the Poor of the Parish of W.
in the County of D.*

Devon. ss. **W**Hereas information and complaint being 29 Car. 2.
given unto us, That the Prophanation cap. 7.
of the Lords-day is very much and frequently pra- 2 Justices.
ctised within your Parish by disorderly Meetings of several Persons, by Gaming, Sports and Pastimes, Drinking, Tipling, and by other means contrary to the Laws in that case made and provided, and that you are negligent in the Duties laid upon you by the same Laws. These are therefore (in her Majesties Name) straitly to charge and command you henceforth to look to it, that no such Disorders be hereafter among you, but that you forbid the same, and that you do from time to time, according to the Duty of your Places, make diligent search for the finding out, apprehending and punishing of all that shall be found Offenders herein, and that you do inform us hereof as occasion shall be; and that you or some of you appear before the Justices of the Peace at the Sign of the *White-Lyon* in *W.* aforesaid, on *Tuesday* next being the 12th instant at eight of the Clock in the Forenoon, and bring in the Names in Writing of those Persons who shall in the mean time offend in the Premises. letting you know, that if you fail hereof, we shall inflict the punishment appointed by the same Laws upon you for your neglect therein. Given under our Hands, &c.

(178) A Warrant to levy 5 s. for exposing to sale Goods, Wares, &c. on the Lords-day.

To the Constables, &c. of W. or to the Church-wardens, &c.

29 Car. 2. Devon. ss. **F**Orasmuch as it being duly proved before me, that C. D. of your Parish did the seventh day of May last past, being the Lord's-day at W. aforesaid, &c. (as the Case is) contrary to the Act of Parliament in that case made and provided, by which he hath forfeited 5 s. to the use of the Poor of the said Parish of W. These are therefore in her Majesties Name to authorize and require you forthwith to levy the said Forfeiture of the Goods of the said C. D. by Distress and Sale thereof, rendring to him the Overplus (if any be) and the same so by you received, that you see it be employed to the use of the Poor of your Parish according to the purport of the said Statute; and in case of want of Distress, that then you see the said C. D. be set publickly in the Stocks by the space of two hours; and hereof fail not. Given under my Hand and Seal, &c.

Note, To exercise any worldly Business or Work of his Ordinary Calling or Publick Cry, shew forth or expose to sale any Wares, Merchandizes, Fruits, Goods or Chattels whatsoever, or to use, imploy or travel with, any Boat, Wherry, Lighter or Barge, all which are prohibited in the said Statute (Milk, as also Works of Necessity and Charity, excepted.) 29 Car. 2. c. 7.

(179) Licence to travel by Water on the Lord's-day.

29 Car. 2. Devon. ss. **T**Hese are to certifie that N. O. and R. S. the Bearers hereof, have made it appear before me, that they have urgent Occasions to pass on the next Lord's-day from B. to C. by Water; all Constables, Churchwardens and other her Majesties Officers, are therefore required to permit the said N. O. and R. S. to pass without interruption. Given under my Hand and Seal.
one Justice of the Peace of the County, &c. or Head Officer adjoining, &c.

(180) A Warrant to levy 5 s. for exercising a Trade on the Lord's-day.

To the Churchwardens, &c. of the Parish of, &c.

Midd. ss. **W**Hereas it hath been duly proved before us upon Oath, That *A. B. C. D. E. F. &c.* all Barbers [or as the Case is] did exercise the Works of the ordinary Callings on the third instant, being the Lord's-day, whereby each and every of them have forfeited the Sum of 5 s. a-piece, for the use of the Poor of the said Parish according to the Statute in that Case made and provided. These are therefore in her Majesties Name to require you forthwith upon sight hereof to levy the said Sum of 5 s. of the Goods respectively of every of the above-named persons by Distress and Sale thereof, rendering to them respectively the Overplus of the Money raised thereby, which Moneys so forfeited being by you received, you are to employ the same towards the Relief of the Poor of your said Parish, according to the Statute in that behalf made and provided; and hereof fail not. Given under our Hands and Seals, &c.

(181) A Warrant to return the Names of such Persons as shall expose Goods to Sale, or exercise or frequent unlawful Sports on the Lord's-day.

To the Churchwardens, &c. of the Parish of &c.

Midd. ss. **T**O the end the Laws may be put in due Execution against all Prophaners of the Lord's-day, for the more effectual restraint of that great Offence, You are hereby in her Majesties Name required upon every of the said days, so long as any Prophanation thereof shall appear within the said Parish to take strict Account of all persons therein, that on any part of that day shall expose any Wares to Sale, or shall do any worldly Business or Labour in their ordinary Calling (other than Works of Charity and necessity by Law permitted) or shall exercise or frequent any unlawful Sports.

29 Car. 2.
cap. 7.

Sports. And of all Offenders in any the said Premises, you are forthwith thereupon to make Oath, or cause Oath to be made, before me, one of her Majesties Justices of the Peace for the said County, or some other of the said Justices, whereby such Seizures and Levies may be made, and such Penalties inflicted as the Law in that behalf shall require; In doing whereof this shall be your Warrant. Hereof fail not at your Peril. Given under my Hand, &c.

Markets.

(182) A Warrant against Butchers, Poulterers, Laders, Kidders, Gardiners, Fruiterers, Fish-sellers, Oyfter-sellers, Bakers, &c. that Fore-stall the Market by selling their Commodities in private Lanes, Tavern-doors, &c.

To A. B. and to all and every other the Constables within the City of London, and the Liberties thereof.

25 Ed. 3. London ff. **W** Hereas L. M. N. O. and R. S. of London
cap. 3. Gent. are by Order of Common Council appointed to be Receivers and Collectors of the Duties due to this City, Leaden-Hall, Honey-Lane, and Newgate Markets, and other Markets and places within the said City and Liberties thereof. And whereas the said
2 Rolls 22. L. M. N. O. and R. S. have under them appointed and
2 Bulstr. constituted A. B. sworn Constable within this City, to
317. be one of their Deputies and Assistants for the more
Godb. 131. peaceable and orderly collecting of the said Duties of the
5 & 6 Ed. 6. c. 14. Market People resorting to the said Markets and places to vend their Commodities. These are therefore in her Majesties Name to charge and command you the said A. B. that in case you shall at any time hereafter find any Butcher, Poulterer, Victualler, Country Farmer, Lader, Kidder, Gardiner, Fruiterer, Fishseller, Oyfter-seller, Mealman or Baker, or any other person or persons whatsoever selling or offering to sell, utter, put or expose to sale by way of hawking, or as an Hawker, any manner of Butchery or Poultry Wares, Oysters, or other Victuals or Provisions whatsoever under any pri-

vate

ate Stall, or at any Tavern-door, or in any private
ane or Alley, Inn, Warehouse, Street, common Pas-
ge or other place whatsoever, within this City or Li-
erties, except in his, her or their own Shop or Shops
in any of the publick Market-place or places, and in
Market-time only according as is before appointed; or
you shall find any person or persons make any Distur-
ance or Riot in any of the Markets of this City to the
reach of her Majesties Peace, or shall refuse to pay the
collectors their just Dues, and yet continue their places
in the Markets, that then you apprehend all such Of-
enders, and bring them before me; or any other of her
Majesties Justices of the Peace within this City and Li-
erties to be examined and dealt with according to Law.
And these are farther in her Majesties Name to charge
and command all Constables within this City and Liber-
ties thereof, and all other persons to be aiding and assist-
ing unto the said A. B. in the preservation of her Ma-
jesties Peace in the due execution thereof. And hereof
fail not. Given under my Hand and Seal this 12th day
of July, Anno Domini 1706.

T. R. Mayor.

Misdemeanours.

(83) A General Warrant for Misdemeanours.

To the Constable and Bursholders of, &c.

evon. ss. **T**Hese are in her Majesties Name to com-
mand you, that you, some or one of you,
do cause C. D. of E. to come before me to answer unto
such Matters of Misdemeanour as on her Majesties be-
half shall be objected against him, and farther to do and
receive as to Justice doth appertain. Hereof fail not, &c.
Given under, &c.

Or thus.

THese are to will and require you, and in her Majesties Name straitly to charge and command you and either of you, that immediately upon the sight hereof, or upon Tuesday next at three of the Clock in the Afternoon, you bring C. D. of your Town Butcher before me, to answer to such Matters of Misdemeanour as on her Majesties behalf shall be objected against him. And hereof fail not. Given under my Hand and Seal, &c.

(18) The like Warrant returnable before any Justice, and the Accuser to have Notice.

To the Constables, &c.

Devon. ff. **T**Hese are in her Majesties Name to command you, that some or one of you, do cause C. D. of, &c. to come before me, or some other of her Majesties Justices of the Peace of the said County, to answer unto such Matters of Misdemeanour as shall be objected against him by G. H. of, &c. Weaver and farther to do and receive as to Justice doth appertain. And you are farther hereby required to give convenient notice to the said G. H. of the time and place, when, whether and before whom you shall cause the said C. D. to come, in Execution of this Precept, to the end that the said G. H. may then and there also be personally present to make appear the Misdemeanour aforesaid. Given under my Hand and Seal, &c.

(185) To bring one to the Sessions.

To the Constables, &c.

Devon. ff. **T**Hese are to will and require, and in her Majesties Name straitly to charge and command you, that you bring the Body of C. D. of your Parish of M. Cordwainer, before the Justices of the Peace for the said County at L. on Monday next by

eigh

eight of the Clock in the Morning, there to answer to such Matters as on her Majesties behalf shall be objected against him. And hereof fail not at your Perils. Given, &c.

(186) *A Condition of Recognizance for Misdemeanour.*

UPON this Condition, That if you C. D. shall personally appear before our Sovereign Lady the Queens Justices of the Peace at the next General Sessions of the Peace to be holden for the Liberty of C. and do then and there make Answer unto all such things which (on her Majesties behalf) shall be objected against you, and do not depart thence without Licence of the Court; then your Recognizance to be void, or else to stand in full force, &c.

Murther.

(187) *A Condition of Recognizance to prefer a Bill of Indictment, and to give Evidence at the next general Gaol Delivery, alias Assizes, to both Juries in case of Murder.*

THE Condition of this Recognizance is such, That if the above-bound R. S. do personally appear before her Majesties Justices of Gaol-delivery, at the next General-delivery to be holden for the within named County of Devon, and do then and there prefer, or cause to be preferred a Bill of Indictment against G. H. J. K. L. M. N. O. and P. Q. for Murder of T. W. Gent. deceased, wherewith the said G. H. and J. K. are chargeable before the within named Justice aforesaid, and with Suspicion whereof the said L. M. N. O. and P. Q. are also charged before the Justice aforesaid, and do also then and there give such Evidence as he knoweth concerning the Murder aforesaid, as well to the Jurors as shall enquire thereof for our Sovereign Lady the Queen, as also to the Jurors that shall pass upon the Tryal of the said G. H. J. K. L. M. N. O. P. Q. or any of them for the same, then this Recognia

zance shall be void, or else it shall stand in full force and vertue.

(188) *A Condition to prefer a Bill and give Evidence at the Sessions.*

THE Condition of this Recognizance is such, That if the above-bound C. D. do personally appear before her Majesties Justices assigned to keep the Peace in the above-named County of H. at the next General Sessions of the Peace to be holden for the said County at the Castle of H. in the County aforesaid, and do then and there prefer or cause to be preferred one or more Bill or Bills of Indictment against W. T. of, &c. and do then and there also give such Evidence as he knoweth concerning the same against the said W. T. to the Jurors that shall enquire thereof on the behalf of our Sovereign Lady the Queen that now is ; that then this Recognizance shall be void and of no effect, or else it shall stand in full force.

(189) *A Condition to prefer a Bill of Indictment and to give Evidence, &c. in case of an Abettor in Murther.*

THE Condition of this Recognizance is such, That if the within bound R. S. do personally appear before her Majesties Justices of Gaol-delivery at the next General Gaol-delivery to be holden for the within named County of D. and do then and there prefer or cause to be preferred a Bill of Indictment against J. P. Esquire touching his the said J. P. being an Abettor to the Murther of L. M. deceased, wherewith he is charged before the within named Justices, and do also then and there give such Evidence as he knoweth concerning the Matter aforesaid, as well to the Jurors that shall enquire thereof on the behalf of our Sovereign Lady the Queen, as also the Jurors that shall pass upon the Trial of the said J. P. for same, That then this Recognizance shall be void, or else stand in full force.

Nets, Dogs and Conies.

(190.) A Warrant to search for Nets and Setting Dogs.

To the Constables and Bursholders of, &c.

Deron. ss. **B**Y virtue of an Act of Parliament in that behalf made, These are therefore in her Majesty's Name to authorize and command you, and every of you to enter into and search the House or Houses of any Person or Persons within the said Hundred, other than such Persons which have free Warren, or is Lord of a Manor, or is such Freeholder, which is seized in his own Right or the Right of his Wife, of Lands, Tenements or Hereditaments to the clear yearly value of 40 *l.* or more by the year (over and above all Charges and Reprizes) of some Estate of Inheritance, or of Lands, Tenements or Hereditaments, in his own Right, or in the Right of his Wife, for the term of Life or Lives, of the yearly value of 80 *l.* (over and above all Charges and Reprizes) or which is worth in Goods and Chattles 400 *l.* suspected to have Setting Dogs or Nets for the taking of Pheasants and Partridges. And that wheresoever you, or any of you, shall find any such Setting Dog or Nets, the same you take, carry away and detain, kill, destroy and cut in pieces, as things prohibited by the Act aforesaid, and forfeited to such of you as shall find out and take the same as aforesaid. Given under our Hands and Seals at B. in the said County, the, &c.

23 Eliz.
cap. 10.
3 Bulstr.
178.
1 Jac. 1.
cap. 27.
7 Jac. 1.
cap. 11.
22 & 23
Car. 2.
cap. 25.
2 Justices;
1 Witness;
or Confes-
on.

Note, Pheasants, &c. to be taken only between Michaelmas and Christmas.

Unlawful Destroyers of Pheasants, Hares, &c. Partridges, Pidgeons, &c. to be committed for three Months without Bail, unless the Offender pay 20 *s.*

(191.) A Warrant to search for Setting Dogs, Guns, Greyhounds, &c.

To the Constables and Bursholders of, &c.

22 & 23
Car. 2.
cap. 25.
1 Justice
under his
Hand and
Seal.

BY virtue of an Act of Parliament in that behalf lately made, These are therefore in her Majesties Name to authorize and command you, and every of you, in the Day time, to search the Houses, Out-houses or others places of any Person or Persons within the said Hundred, other than of such Person as hath Lands or Tenements or some other Estate of Inheritance in his own or in his Wife's Right, of the clear yearly value of 100 *l. per annum*, or for term of Life, or which hath a Lease or Leases of 90 Years, or for any longer term, of the clear yearly value of 150 *l.* or which is the Son and Heir apparent of an Esquire, or other Person of higher Degree, or which are Owners or Keepers of Forests, Parks, Chases or Warrens, being stocked with Deer or Conies for their necessary use, in respect of the said Forests, Parks, Chases or Warrens, as upon good ground shall be suspected to have or keep in his or their Custody any Guns, Bows, Greyhounds, Setting Dogs, Ferrets, Cony-dogs or other Dogs to destroy Hares or Conies, Hays, Tramels or other Nets, Low-bells, Hare-pipes, Snares or other Engins for the taking and killing of Conies, Hares, Pheasants, Partridges or other Game; and such Guns, Bows, Greyhounds, Setting Dogs as aforesaid, Hays, Tramels, or other Nets, Low-bells, Hare-pipes, Snares, or other Engins aforesaid, as you, or any of you shall so find, to seize, detain and keep to and for the use of the Lord of the Manor or Royalty where the same shall be so found, or taken, or otherwise to cut in pieces or destroy, as things by the said Act prohibited to be kept by Persons of their Degree. And what you shall do in the Premisses you shall make known unto me with all convenient speed. Hereof fail not at your perils. Given under my Hand and Seal at, &c.

This may be directed to any special Person or Person as well as to the Officers.

Penalty 20 s. each Pheasant and Partridge, and to enter into a Recognizance (penalty 20 l.) that he will not at any time hereafter take, kill or destroy any Pheasant or Partridge, which is to be returned to the next Quarter Sessions, 7 Jac. 1. cap. 11. §. 8.

(192.) A *Mittimus* against persons that refuse to enter into Recognizance to appear at Sessions for the keeping Ferrets and Nets to kill Conies.

To the Constables, &c.

Devon. ss. **F**Orasmuch as G. H. and J. K. of L. in the County afore- 3 Jac. 1. 13.
brought before me by Warrant by the Constable of L. 22 & 23
afore- 2.
tion confess that they had kept and used Nets and Fer- cap. 25.
rets for the taking and killing of Conies by the space of
a Year last past, contrary to the Statute in that Case made
and provided. And being required to enter into Recogn-
nizance for their Appearance at the next General Quar-
ter Sessions of the Peace to be holden for the said Coun-
ty they did both refuse so to do These are therefore See 7 Jac.
in her Majesties Name straitly to charge and command 1. cap. 11.
you, that you receive into your Custody the Bodies of
the said G. H. and J. K. whom I send you by W. R. one
of the Constables of L. afore- said, and them safely keep
until they shall enter into such Recognizance as afore-
said, or that they be otherwise discharged according
to Law. Hereof fail not at your Perils. Given under
my Hand and Seal, &c.

(193.) A Warrant for one that Hunts with Spaniels in the ear'd Corn.

To the Constables, &c.

Midd. ss. **F**Orasmuch as Complaint hath been made unto 23 Eliz. 4.
me, That S. T. of your Town of B. Gent. cap. 10. §. 4
did in September last past, Hunt with his Spaniels in the Penalty
Ground of W. R. where Corn did then grow, at which 40 s.
time

time the said Corn was eared or coddled and standing without the consent of the said *W. R.* then Owner of the same Ground, contrary to the Statute in that case made and provided, by which he hath forfeited 40 s. to the said *W. R.* the Owner of the said Ground. These are therefore in her Majesties Name to command you and every of you, that some or one of you do warn him the said *S. T.* to come before us at *L.* the sixth Day of *October* next, to answer the Premisses, and to be then and there with this Warrant. Given under our Hands and Seals, &c.

If he appear not, then say.

To put in Sureties for his appearance at the next general Sessions of the Peace to be holden for this County to answer the said Offence, and pay the Penalty. And in case he refuse so to do, that then you, some or one of you safely convey him to the Gaol of, &c. and him there deliver to the Keeper of the same, together with this Precept, commanding also you the said Keeper to receive him into the said Gaol, and him there safely to keep until he shall find Sureties as aforesaid. Given under my Hand and Seal, &c.

(194) *A Licence to Hawk, Hunt, Fish and Fowl.*

TO all to whom these Presents shall come, I *George* Lord *L.* &c. send Greeting. Know ye, That I the said *G. Lord L.* for divers good Causes and Considerations me thereunto especially moving, have given and granted, and by these Presents do give and grant unto *A. B.* of, &c. Gent. and his Assigns, full, free and absolute Power, Liberty, Licence and Authority to Hawk, Hunt, Fish and Fowl from time to time, and at all times hereafter, at the will and pleasure of him the said *A. B.* and his Assigns, for and during the term of, &c. in upon and within the Manor or Lordship of *H* in the said County, and in and upon all the Lands and Ground thereof, and within the Bounds, Precincts, Limits and Circuits of the same in as full, free, ample and beneficial manner as I my self might or could do in all and every respect or degree whatsoever, and without any manner of Let, Denial, Disturbance or Interruption of

me the said G. Lord L. or any other Person or Persons whatsoever, in, by, or through any Act, Means, Consent, Privy or Procurement. And I the said G. Lord L. do Covenant, Promise, Grant and Agree to and with the said A. B. and his Assigns by these Presents that it shall and may be lawful to and for the said A. B. and his Assigns from time to time, and at all times hereafter during the said Term of, &c. as occasion shall be offered, to seize, take and carry away, as well all and every the Nets and other Engins and Instruments of what kind soever, as also all the Dogs and Spaniels of whatsoever sort or kind of all or any Person or Persons whatsoever, that shall at any time or times hereafter Hawk, Hunt, Fish or Fowl within or upon the said Lordship or Manor of H. or within or upon any part or parcel thereof without the Licence or Consent of the said A. B. or his Assigns, or some of them first had and obtained, he the said A. B. or his Assigns, delivering or causing to be delivered unto the Bailiff or Steward for the time being of me the said G. Lord L. of the said Manor or Lordship of H. the aforesaid Nets, Engins, Instruments and Dogs so to be taken as aforesaid, to be used, bestowed and employed to and for the use and behoof of me the said G. Lord L. in such manner and form as I the said G. Lord L. or my Assigns shall think fit. In Witness whereof I the said G. Lord L. have hereunto set my Hand and Seal this seventh Day of August, Anno Dom. 1706.

Oaths.

(195) *The Oaths appointed to be taken by Members in Parliament and others in Offices of Trust, instead of the Oaths of Supremacy and Allegiance.*

Devon. ff. **I** A. B. do sincerely Promise and Swear, That I will be faithful and bear true Allegiance to her Majesty Queen Ann.

So help me God, &c.

Or thus.

I *A. B.* do Swear, That I do from my Heart abhor; detest and abjure, as impious and Heretical, that damnable Doctrine and Position, That Princes Excommunicated or deprived by the Pope, or any Authority of the See of *Rome*, may be deposed by their Subjects, or any other whatsoever. And I do declare, That no Foreign Prince, Person, Prelate, State or Potentate hath, or ought to have any Jurisdiction, Power, Superiority, Preeminence or Authority Ecclesiastical or Spiritual within this Realm.

So help me God, &c.

1 *Gul. & Mar. c. 8.*

Note. All persons (other than such as are provided for in the said Act) shall take the said Oaths, &c. in such manner, &c. as they ought to have taken the Oaths of Supremacy and Allegiance if they had not been abrogated, and those neglecting, &c. to take the same shall incur the same penalties, &c. as by any former Statutes are provided and appointed.

All Commission or Warrant Officers, That are or shall be employed, shall take the said Oaths, and subscribe the Declaration of 30 *Car. 2.* or be incapable of executing any Employment, *Vid. 1 Gul. & Mar. cap. 25.*

The Oath in 13 & 14 *Car. 2. cap. 3.* and part of the Declaration in another Act made the same Year, cap. 4. are taken away, and the said new Oaths Enacted, 1 *W. & M. cap. 8.*

(196) *The Declaration in 25 Car. 2. cap. 2.*

I *A. B.* do declare, That I do believe that there is no any Transubstantiation in the Sacrament of the Lord's Supper, or in the Elements of Bread and Wine, or after the Consecration thereof by any Person whatsoever.

(197) *A Certificate for one that hath taken the Oaths of 1 Gul. & Mar. cap. 8. and subscribed the Declaration metioned in 25 Car. 2.*

Devon. ss. THESE are to certifie all whom it may concern, That C. D. of the Parish of E. in the County aforesaid Esquire, came before her Majesty's Justices of the Peace for the same County at the General Sessions of the Peace held at M. in the County aforesaid on *Tuesday* the 15th Day of *August*, in the fifth Year of the Reign of our Sovereign Lord and Lady King *William* and Queen *Mary*, and then and there before the said Justices at the Sessions, did take the Oaths mentioned in a Statute made in the first Year of our Sovereign Lord and Lady, Entituled, *An Act for the abrogating the Oaths of Supremacy and Allegiance, and appointing other Oaths.* And did likewise then and there before the said Justices, make and subscribe the Declaration mentioned in a Statute made in the Five and twentieth Year of the late King *Charles* the Second, Entituled, *An Act for preventing Dangers which may happen from Popish Recusants.* And that his taking the said Oaths, and making and subscribing the said Declaration as aforesaid, is registred according to the direction of the first above mentioned Act. Signed and Dated the, &c. 1 Gul. & Mar. c. 8.

The Names of the Person taking the same new Oaths, &c. shall be inrolled in the *Chancery, Queen's Bench* or Quarter-Sessions, where the same are taken; the Rolls of the same to be publickly hung up, to be read without Reward. 1 Gul. & Mar. c. 8.

No person that takes the said Oaths shall pay above 12 d. for the Entry thereof.

(198) *The Declaration of Fidelity, and Subscription of a Profession of the Christian Belief to be subscribed by such Dissenters who scruple to take an Oath according to the Statute of 1 Gul. & Mar. cap. 18.*

I A. B. do sincerely promise and solemnly declare before God and the World, that I will be true and faithful to Queen *Ann*, and I do solemnly profess and declare, that 1 Gul. & Mar. c. 18

that I do from my Heart abhor, detest and renounce, as impious and Heretical, that damnable Doctrine and Position, That Princes Excommunicated or deprived by the Pope, or any Authority of the See of *Rome*, may be deposed or murdered by their Subjects, or any other whatsoever. And I do declare, That no Foreign Prince, Person, Prelate, State or Potentate, hath ought to have any Power, Jurisdiction, Superiority, Preheminence or Authority Ecclesiastical or Spiritual within this Realm.

And shall subscribe a Profession of their Belief in these Words.

I *A. B.* profess Faith in God the Father, and in Jesus Christ his Eternal Son the true God, and the Holy Spirit, one God blessed for evermore. And do acknowledge the Holy Scriptures of the Old and New Testament to be given by Divine Inspiration.

Justices of the Peace by this Act may require any Dissenter going to Meetings to make and subscribe the Declaration, and to take the Oaths or Declaration of Fidelity aforesaid, (in case such persons scruple an Oath) and upon Refusal to commit him to Prison without Bail, &c. and to certifie his Name to the next Sessions. And such Person upon a second tender at the Sessions refusing to subscribe the said Declaration shall be recorded for a Popish Recusant Convict, and suffer accordingly.

Dissenters that scruple to take any Oath shall make and subscribe the Declaration in 30 *Car. 2. cap. 1.* and the Declaration of Fidelity aforesaid, and subscribe the said Profession of Christian Belief which shall be entred on Record at the Sessions; and every Person so doing shall be exempted from all Penalties made against Popish Recusants or Nonconformists, and from 5 *Eliz. cap. 1.* and 13 & 14 *Car. 2. cap. 1.* and enjoy all the Advantages which other Dissenters ought to do by Virtute of this Act.

(199.) *The Oath to be taken by the Clerk of the Peace in open Sessions before he Enters upon his Office.*

I A. B. do Swear, That I have not, nor will pay any Sum
or Sums of Money, or other Reward whatsoever,
nor given any Bond or other Assurance to pay any Mo-
ney, Fee or Profit directly or indirectly to any Person
or Persons whomsoever for such Nomination and ap-
pointment. *So help me God.*

1 Gul. &
Mar.
cap. 21.

No *Custos Rotulorum* or other Person, having the Right
of nominating the Clerk of the Peace shall take any Re-
ward for such Nomination. The Clerk of the Peace
and the Person so taking the Reward, to be disabled to
hold their said places, and shall each of them forfeit
double the value of the Reward so given or taken, to be
recovered by him that shall sue for the same by Action
of Debt, &c.

Ibid.

(200.) *The Oath of an Under Sheriff and Bailiff touching the impannelling of Juries.*

I A. B. do Swear, That I shall not use or exercise the
Office of Under Sheriff [Bailiff, Deputy or Clerk or
other such Words as the Case requires] corruptly du-
ring the time that I shall remain therein; neither shall
or will accept, receive or take by any colour, means or
device whatsoever, or consent to the taking of any man-
ner of Fee or Reward of any manner of Person for the
impannelling or returning of any Inquest, Jury or
Tales in any Court of Record for the Queen or betwixt &
Party and Party above 2 s. or the Value thereof, or such
Fees as are allowed and appointed for the same by the
Laws and Statutes of this Realm; but will according
to my power, truly and indifferently, with convenient
speed, impanel all Jurors, and return all such Writ or
Writs touching the same as shall appertain to be done
by my Duty or Office during the time that I shall re-
main in the said Office. *So help me God.*

Before two
Justices, one
or to be of the
Quor.

The Oaths
of 1 Gul.
Mar.

must be
also taken
by him, or

forfeit
40 l.

*Jurat. ad utraque Sacrament. (viz.) supradict decimo
die Julij Anno Dom. 1693. coram nobis R. S. &
J. W. de quibus R. S. est Quorum unus, &c.*

The

(201) *The Oath of a Coroner.*

YOU shall Swear, That you well and truly shall serve our Sovereign Lady the Queen's Majesty and her Liege People in the Office of a Coroner, and as one of her Majesties Coroners of this County of D. and therein you shall diligently and truly do and accomplish all and every thing and things appertaining to your Office, after the best of your Cunning, Wit and Power, both for her Majesties Profit and the Good of the Inhabitants within the said County, taking such Fees as you ought to take by the Laws and Statutes of this Realm.

So help you God, &c.

(202) *The Oath of a Commissioner of Sewers.*

YOU shall swear, That you to your Cunning, Wit and Power shall truly and indifferently execute the Authority to you given by this Commission of Sewers without any Favour, Affection, Corruption Dread or Malice to be born to any manner of person or persons ; and as the Case shall require, you shall consent and endeavour your self for your part, to the best of your knowledge and power, to the making of such wholesom, just, equal and indifferent Laws and Ordinances as shall be made and devised by the most discreet and indifferent number of your Fellows being in Commission with you, for the due Redress, Reformation and Amendment of all and every such things as are contained and specied in the said Commission, and the same Laws and Ordinances to your Cunning, Wit and Power cause to be put in due Execution without Favour, Meed, Malice or Affection.

So help you God.

(203) *The Oath of an Exciseman.*

YOU shall swear to execute the Office of, &c. truly and faithfully without Favour or Affection, and shall from time to time true Account make and deliver to such person or persons as her Majesty shall appoint to receive

ceive the same, and shall take no Fee or Reward for the Execution of the said Office from any other person than from her Majesty, or those whom her Majesty shall appoint in that behalf.

So help you God, &c.

*certifie the
taking of
this Oath
at the next
Quarter
Sessions
there to be
recorded.*

With this must be taken the Oaths mentioned in : *W*
& M. cap. 3.

(204) *The Oath of an Ale-caster.*

YOU shall swear that you shall well and truly serve the Queen's Majesty in the Office of Ale-caster, or an Assizer of that Liberty or Hundred for this Year to come: You shall duly and truly see from time to time, that the Bread brought to be sold be truly weighed, and that the same do contain such Weight according to the prices of Wheat, as the Statute in that case hath provided; likewise you shall have diligent care during the time of your being in Office to all Brewers and Tiplers within your Liberty, that they and every of them do make good and wholesome Beer for Man's Body, and that the same be not sold before it be assayed by you, and then to be sold agreeable to the Prices limited and appointed by her said Majesties Justices of the Peace; and all Faults committed and done by the Bakers, Brewers and Tylers, or by any of them, you shall make known and present the same at the next General Sessions to be holden for the said County; you shall likewise present all Offences of Drunkenness and haunting of Inns and Alehouses by the Inhabitants of the Parish, or of any other Neighbouring Parishes whereby due punishment may be inflicted upon them for their Offence accordingly; and in every other thing you shall well and truly behave your self in the said Office for this Year to come.

So help you God, &c.

(205) *The Oath of an High Constable.*

YOU shall swear, That you shall well and truly serve our Sovereign Lady the Queen in the Office of a Constable; You shall see and cause her Majesties Peace to be well and truly kept and preserved according to your

your power: You shall arrest all such persons as in your sight and presence shall ride or go armed offensively, or shall commit or make any Riot, Affray or other Breach of her Majesties Peace: You shall do your best Endeavour (upon Complaint made) to apprehend all Felons, Barretors and Rioters, or persons riotously assembled: and if any such Offenders shall make resistance with force, you shall levy Huy and Cry, and shall pursue them until they be taken. You shall do your best Endeavour that the Watch in and about your Hundred be duly kept for the apprehending of Rogues, Vagabonds, Night-walkers, Eves-droppers, Scouts and other suspected Persons, and of such as go armed and the like. And that Huy and Cry be duly raised and pursued according to the Statute of *Winchester* (13 Ed. 1. Stat. 2. Cap. 1. &c.) against Murtherers, Thieves and other Felons; and that the Statutes made for the punishment of Rogues and Vagabonds and such other idle Persons as come within your Bounds and Limits, be duly put in Execution. You shall have a watchful Eye to such persons as shall maintain or keep any common House or Place where any unlawful Game is or shall be used, as also to such as shall frequent or use such places, or shall use or exercise any unlawful Games there or elsewhere contrary to the Statutes. At your Assizes, Sessions of the Peace or Leet, you shall present all and every the Offences done contrary to the Statute made 1 Jac. 4 Jac. and 21 Jac. *Regis* to restrain the inordinate haunting and tipling in Inns, Ale-houses and other Victualling-houses, and for suppressing of Drunkenness. You shall there likewise true Presentment make of all Blood-sheddings, Affrays, Outcries, Rescues, and other Offences committed or done against the Queen's Majesties Peace within your Limits. You shall once every Year during your Office, present at the Quarters Sessions all Popish Recusants within your Liberty, and their Children above nine, and their Servants (*scil.* their Monthly absence from Church.) You shall well and truly execute all Precepts and Warrants to you directed from the Justices of Peace of this County or higher Officers. You shall be aiding to your Neighbours against unlawful Purveyances; in the time of Hay or Corn Harvest upon request, you shall cause all persons to meet to serve by the day for the mowing, reaping or getting in of Corn or Hay. You shall in *Easter* Week cause your Parishioners to chuse Surveyors for the mending of the Highways in your Parish or Liberty;

Liberty;

erty; and you shall well and duly according to your Knowledge, Power and Ability, do and execute all other things belonging to the Office of a Constable, so long as you shall continue in the said Office.

So help you God.

Note, In this Oath is briefly comprehended the whole Duty of a Constable, and principal Matters of his Office.

(206) *The Oath of an High-Constable upon delivering his Presentment.*

YOU shall true Presentment make to the Grand Inquest of all Offences and Misdemeanours committed or done within your Hundred, and are in any wise come to your knowledge, and belonging to you now to present, without Concealment.

So help you God, &c.

(207) *The Oath of a Constable.*

YOU shall well and truly serve the Queen's Majesty in the Office of a Constable of the Parish of C. All Commissions, Precepts and Warrants that are directed to you and shall come to your Hands, you shall to the best of your power cause to be duly and truly executed, all Riots and Misdemeanours and Breach of the Peace suppress. You shall punish all Rogues, Vagrants and idle persons, according to the Laws of this Land in that case made and provided. You shall diligently pursue all Hue and Cries. You shall see that her said Majesties Watch within the said Parish of C. be duly and truly set according to her Majesties Laws. You shall also do your best Endeavour to suppress Drunkenness within the said Parish, and to see the Laws and Statutes concerning the same to be duly put in execution, and all other things belonging to the Office of a Constable so long as you shall continue in your Office, you shall well and truly do and perform so near as you can.

So help you God.

Or more briefly thus.

YOU shall swear that you shall well and duly execute the Office of a Constable, or Burtholder for the Parish of *D.* for the next Year [or half Year, as the Case is] and until another shall be sworn in your room, or you shall be legally discharged thereof.

So help you God.

(208) *The Oath of a London Constable.*

YOU shall swear that you shall keep the Peace of our Sovereign Lady the Queen well and lawfully to your power; and you shall arrest all them that make Contest, Riot, Debate or Affray in breaking of the said Peace, and lead them to the House or Compter of one of the Sheriffs; and if you be withstood by strength of Misdoers you shall raise on them an Outcry, and pursue from Street to Street, and from Ward to Ward till they be arrested. And you shall search at all times, when you be required (by the Scavenger or Beadles) the common Nuisance of your Ward, and the Beadle and Raker you shall help to collect and gather the Sallery and Quartridg if you be thereunto by them required; and if any thing be done within your Ward against the Ordinance of this City such defaults as you shall find there done, you shall the present to the Mayor and Ministers of this City; and if you be hindred by any person or persons that you may not duly do your Office, you shall certify the Mayor of this City of the Name or Names of him or them so doing. You shall also swear, that during the time that you shall stand in the Office, and perform the Place of Constable you shall once at least in every month certify and shew to one of the Clerks of the Mayor's Court, and in the same Court, as well the Names as Surnames of all Free men within the Parish wherein you inhabited, as also the Names and Surnames of all the Children of the said Free men so deceased being Orphans of this City; and thus you shall do.

So help you God.

(209) *The Oath of a Grand Inquest.*

YOU shall diligently enquire and true presentment make of all such Matters, Articles and Things as shall be given you in charge, as of all other Matters and Things as shall come to your knowledge touching this present Service, her Majesties Council, your Fellows and your own; You shall present no Person for hatred or Malice, neither shall you leave any one unpresented for fear, favour or affection, for lucre or gain, or any hopes thereof, but in all things you shall present the Truth, the whole Truth, and nothing but the Truth, to the best of your knowledge.

So help you God.

Or thus.

YOU shall truly enquire, and due presentment make of all such Things as you are charged withal on her Majesties behalf; her Majesties Council, your own, and your Fellows, you shall well and truly keep, and in all other things the truth present.

So help you God.

(210) *The Juries Oath.*

THE same Oath that your Foreman hath sworn you of your part shall well and truly keep.

So help you God, &c.

(211) *The Oath of those who shall give Evidence upon Bills of Indictment.*

THE Evidence that you shall give to the Grand Inquest upon this Bill of Indictment against C. D. shall be the truth, the whole truth, and nothing but the truth; and you shall not let so to do for malice, hatred or evil will, nor for meed, dread, favour or affection.

So help you God, &c.

(212) *The Oath of a Jury upon Traverse.*

YOU shall well and truly try the Issue of Traverse between our Sovereign Lady the Queen and W. R. whom you have in charge according to your Evidence.
So help you God.

(213) *The Oath given to a Jury by whom a Nisi Prius is to be tried.*

YOU shall truly try this Suit of *Nisi Prius* between Party and Party, according to the Evidence as shall be given you in Court, as near as God shall give you Grace.

So help you God.

(214) *The Oath given to Witnesses between Party and Party at a Nisi Prius.*

THE Evidence that you shall give to this Inquest concerning the matters in variance, shall be the truth, the whole truth, and nothing but the truth, so near as God shall give you Grace.

So help you God, &c.

(215) *The Oath given to a Jury upon Life and Death.*

YOU shall well and truly and true Deliverance make between our Sovereign Lady the Queen and the Prisoner at the Bar, whom you shall have in Charge, and a true Verdict shall give according to your Evidence.

So help you God, &c.

Note, Every Juror is to lay his Hand on the Book and look towards the Prisoner.

(216) *The*

(216) *The Oath of Witnesses.*

THE Evidence that you and every of you shall give to this Inquest against C. D. Prisoner at the Bar, shall be the Truth, the whole Truth, and nothing but the Truth.

So help you God, &c.

(217) *The Oath given to a Bailiff or Serjeant that attendeth on any Jury or Inquest at an Assize.*

YOU shall well and truly keep every person sworn of this Jury together in some private and convenient Room, without Meat, Drink, Fire, Candle or Lodging; and you shall not suffer any person whatsoever to speak to them, until such time as they be agreed of their Verdict.

So help you God, &c.

(218) *The Oath of a Jury of Women returned to try whether a Woman convicted, that pleads her Belly, be quick with Child.*

YOU the Fore Matron of this Jury shall swear, That you will search and try the Prisoner at the Bar, whether she be quick with Child of a quick Child, and thereof a true Verdict shall return according to the best of your Judgment.

So help you God, &c.

To the rest of the Jury.

THE same Oath that A. B. your Fore-Matron hath taken on her part, you and every of you shall well and truly observe and keep on your parts.

So help you God, &c.

(219) *The Oath of him who craves the Peace against another.*

YOU shall swear that the Surety of the Peace which you crave against C. D. is not for Hatred or Malice which you bear him, but for safety of your Body from harm, which you fear he will do or procure to be done unto you.

So help you God, &c.

Or thus.

THE Peace which you require against C. D. is not out of any ill Will or Malice which you bear to him but meerly to preserve your Life, House, Goods, or Chastels from any bodily harm or mischief, which he by himself or any other by his procurement may attempt to do.

So help you God, &c.

Or thus.

YOU shall swear, that the Surety of the Peace which you crave against C. D. is not of any private Malice, Hatred or evil Will, but meerly that you are afraid of your Life, or the hurting or maiming of your Body, or the burning of your House,

So help you God, &c.

(220) *An Oath to be given upon Examination and upon Information.*

YOU shall true answer make to all such Matters as shall be demanded of you concerning the beating of A. You shall speak the whole Truth, and nothing but the Truth.

So help you God, &c.

(221) *The Oath of him that giveth Information.*

THE Information that you shall give on the behalf of our Sovereign Lady the Queen's Majesty against C. D. shall be the Truth, the whole Truth, and nothing but the Truth.

So help you God, &c.

(222)

(222) *An Oath upon a Question.*

YOU shall true Answer make to all such Questions as by me shall be demanded of you.

So help you God, &c.

(223) *An Oath to be taken by all Clerks of the Courts of Queen's-Bench and Common-Pleas, Clerks of Assize, Clerks of the Peace, Town Clerks, Clerks of Sewers, Clerks of the Markets, and others to whom it belongeth to make Returns of Estreats into the Exchequer.*

YOU shall swear, That these Estreats now by you delivered are truly and carefully made up and examined, and that all Fines, Issues, Amerciaments, Recognizances and Forfeitures, which were set lost, imposed or forfeited, and in right and due course of Law ought to be estreated in the Court of Exchequer, are to the best of your knowledge and understanding therein contained. And that in the same Estreats are also contained and expressed all such Fines as have been paid into the Court, from which the said Estreats are made without any wilful or fraudulent Discharge, Omission, Misnomer or Defect whatsoever.

So help you God, &c.

Note, Upon the Act of Tonnage, 5 & 6 W. & M. c. 14. Every Contributor having an Annuity for one, two or three Lives, his or her Executors, &c. demanding Money shall produce a Certificate of the Life of the Nominee signed by the Minister and Churchwarden of the Parish, or make Oath of the Life of the Nominee upon the day of payment before one or more Justices of the Peace of the County, Riding, City or Town wherein such person at the time of the making such Oath shall reside, and the Justice shall administer the Oath, and make a Certificate thereof without Fee or Reward to be filed in the Office of the Receipt of the Exchequer, &c.

The Penalty of a false Oath or forging a Certificate is as in case of wilful Perjury and Forgery.

- (224) *An Oath to be administred by the Judge Advocate or his Deputy to every Officer present, at the Tryals of Offenders by Courts Marshal (where the Offender may be punished by Death) before any Proceeding be had thereupon.*

2 W. & M.
Sess. 2 c. 2.

YOU shall well and truly try and determine according to your Evidence the Matter now before you, between our Sovereign Lady the Queen's Majesty, and the Prisoner to be tried.

So help you God, &c.

Orchards.

- (225) *A Warrant against Robbers of Orchards.*

To the Constables and Bursholders of, &c.

43 Eliz.
cap. 7.
Justice,
Witness
or Confes-
sion.

Devon. ss. **F**Orasmuch as it hath been duly proved before me, That *W. R.* of your Town Butcher, hath within three months last past robbed the Orchard or Garden of *S. T.* of your Parish, and carried away great quantities of Apples, &c. [as the Case is] to the value of 40 s. And that *R. G.* of your said Town hath abetted and procured him so to do, and received and bought of him divers of the same things, to the great damage of the said *S. T.* contrary to the late Act of Parliament in that Case made and provided. I do therefore hereby order and require, That the said *W. R.* shall within four days after notice to him given of this Order pay the said *S. T.* 15 s. and that the said *R. G.* do within four days after notice to him given of this Order pay unto the said *S. T.* 25 s. in recompence to him for his Wrongs aforesaid, and that these Payments be made in presence of the said Constable hereby commanded upon request to see it done. And hereof you are forthwith to give them notice, and if either of them shall not pay the same, that then you do give me notice thereof to the end that they may be farther proceeded against according to the said Statute. And hereof fail not as you will answer the same. Given under our Hands and Seals this, &c.

(226) Upon

(226) Upon Nonpayment to be whipt.

To all Constables, &c.

Devon. ss. **F**Orasmuch as it hath been duly prov'd before me, *i Justice,*
 That *W. R.* and *R. G.* of your Town, Butchers, *i Witness.*
 hath within three Months last past robbed, &c. [as before] 43 Eliz.
 made and provided. Wherefore the Premises considered, cap. 7.
 and that I judge the said Offenders *W. R.* and *R. G.* unable *To give sa-*
 to make satisfaction for the said Wrong, I do hereby order *tisfaction*
 that they be forthwith committed to the said Constable of *or to be*
H. to be whipt, the which you are hereby requir'd forth- *whipt.*
 with to do at your peril. Given under my Hand, &c. *The Officer*
upon neg-
left to suffer Imprisonment till the Offender be duly punished.

Peace.

(227) A Warrant to find Sureties for the Peace.

To the Constable, &c. and to the Keeper, &c.

Devon. ss. **F**Orasmuch as *C. D.* of *E.* hath this present day
 taken his Corporal Oath before me, That he *34 Ed. 3.*
 is afraid that *J. K.* of, &c. Butcher, will beat, wound, *cap. 1.*
 maim, kill him, or burn his House [as the Case is] and
 therewithal prayed Surety of the Peace against the said
J. K. These are therefore in her Majesties Name to com-
 mand you the said Constable and Burgholder and every of
 you, that you, some or one of you, do cause the said
J. K. to come before me, or some other of her Majesties
 Justices of Peace of the said County to find sufficient Se-
 curity, as well for his personal appearance at the next
 General Quarter Sessions of the Peace to be holden for
 the said County at *S.* aforesaid, then and there to do and
 receive as by the said Court shall be enjoined, as also that
 he will in the mean time keep her Majesties Peace to-
 wards her said Majesty, and all her Liege People, and
 especially towards the said *C. D.* and if the said *J. K.* shall
 refuse so to do, that then (without expecting any farther
 or other Warrant) you, some or one of you, do safely
 convey him to the Gaol aforesaid, and him there deliver

to the said Keeper of the same (together with this Precept) commanding also you the said Keeper to receive him into the said Gaol, and him there safely to keep until he shall find such sufficient Security as aforesaid. Hereof fail not at your Perils. Given under my Hand and Seal at, &c.

- 1 H. 4. c. 1. Note, That any of these Causes are sufficient to bind a Person
 2 H. 4. c. 1. to find Sureties for the Peace, viz
 7 H. 4. c. 1. That he is afraid that J. K. of, &c. will beat, wound, maim, kill him, [or burn his House.]

That J. K. of, &c. hath already assaulted, beaten, bruised him, and farther hath threatned him in such sort, that he is afraid that the said J. K. will beat, wound, maim, kill or do him some other bodily harm. And that he is afraid that he will accordingly do so.

Where the Warrant is against two for the Peace, say,

As well for their respective personal appearance, &c. And that they respectively will in the mean time, &c. And if they or either of them, &c. shall refuse so to do, &c. Convey them or him so refusing to the Gaol aforesaid, &c. And them or him so conveyed there to deliver, to receive them or him so delivered into the said Gaol, &c. and them or him so delivered there safely to keep until they or he so delivered shall find, &c.

Note, If a Man be to find Surety of the Peace or Good Behaviour, he must shew the Matter in the Warrant, but need not if it touch Treason, Felony, or Capital Offences, or Conspiracy, or unlawful Assemblies.

(228.) *A Precept for the Peace.*

Lamb. 85, 86. **A**NNE by the Grace of God, &c. To our Sheriff of H. the Constable of the Hundred of L. And to all and singular our Bailiffs and other our Ministers in the said County, as well within Liberties as without, Greeting. Forasmuch as C. D. of L. aforesaid, Taylor, hath personally come before W. R. of the said Town, Esq; one of our Justices of the Peace within the said County, and hath taken a Corporal Oath, That he is afraid that one P. T. of S. in the said County Butcher, will beat, maim, wound or kill him [or burn his House] and

and hath therewithal prayed Surety of the Peace against the said P. T. Therefore we command and charge you jointly and severally, that immediately upon the Receipt hereof you cause the said P. T. to come before the said W. R. or some other of our said Justices, to find sufficient Surety and Mainprize, as well for his Appearance at the next Quarter Sessions of our Peace to be holden at N. in the said County, as also for our Peace to be kept towards us, and all our Liege People and chiefly towards the said C. D. that is to say, that he the said P. T. shall not do, nor by any means procure or cause to be done any of the said evils, to any of our said People, and especially to the said C. D. that is to say, if the said P. T. shall refuse thus to do, that then immediately without expecting any further Warrant, you him safely convey, or cause to be safely conveyed to our next Prison in the said County, there to remain until he shall willingly do the same, so that he may be before our said Justices at the said next General Sessions of the Peace to be holden at S. aforesaid, then and there to answer unto us for his contempt in this behalf, and so that you certifie your doing in the Premisses to our said Justices at the said Sessions, bringing then thither this Precept with you; Witness the said W. R. at L. aforesaid, the, &c. Day of, &c.

(229) Or thus in the Name of the Justice himself,
Mutatis mutandis.

Devon. ss. W. R. Esquire, one of the Justices of the Peace of our Sovereign Lady the Queen, within the said County, to the Sheriff, &c. Greeting: Forasmuch as C. D. &c. hath personally come before me, and hath taken a Corporal Oath, (*ut supra.*) &c. These are therefore on the behalf, and in the Name of our said Sovereign Lady the Queen, to command you jointly, &c. to come before me, or one other of her Majesty's said Justices of the Peace in the said County, &c. Given, under, &c.

(230.)

(230.) A Warrant to find Sureties for the Peace where an Assault is made upon an Officer in discharge of his Office.

To the Constable, &c. and to the Keeper of, &c.

Devon. ss. **F**Orasmuch as complaint was this Day made unto us by R. S. Borshoulder of the Borough of the Town of G. in the said County, that N. O. of G. in the said County, Weaver, and P. Q. of G. aforesaid, Tailor, did in the Month of June last past at G. aforesaid, within the Borough aforesaid, assault and beat several Persons, and the said R. S. then Borshoulder of the Borough aforesaid, being then and there present, did then and there (in her Majesties Name) command the said N. O. and P. Q. to keep her Majesties Peace, yet notwithstanding they did continue in breaking the same, in his presence, and then and there assaulted him, and threatned to kill him, all which he hath maintained upon Oath before us, and that he is afraid that the said N. O. and P. Q. will kill, wound, beat or do him some bodily harm, and hath prayed security of the Peace to be by us granted unto him against the said N. O. and P. Q. These are therefore (in her Majesties Name) to command you, some or one of you, to bring the said N. O. and P. Q. before us, some or one of us or some other of her Majesties Justices of the Peace of the said County, to find several and respective sufficient Security for their several and respective personal appearance at the next General Quarter Sessions of the Peace to be holden for the County at G. aforesaid, there and there to do and receive as by the Court shall be enjoined, and in the mean time to be of Good Behaviour, as well towards our Sovereign Lady the Queen as all her Liege People; and in case they the said N. O. and P. Q. or either of them shall refuse so to do, that then (without expecting any further or other Warrant) you do convey him or them so refusing to the Gaol aforesaid, and them or him to deliver to the Keeper of the same (together with this Precept) commanding also you the said Keeper (in her Majesties Name) to receive them or him so delivered unto you into the said Gaol, and them or him there safely keep until they or he shall give such Security as aforesaid. Given under our Hands and Seals at, &c.

(231.) A *Superfedeas* of a Warrant for the Peace.

To all Justices of the Peace, Sheriffs, Bailiffs, Constables, and other her Majesties Officers (to whom it shall or may concern) within this County, and to every of them.

Devon. ss. **F**Orasmuch as J. K. of L. hath personally appeared before me, and hath found two sufficient Sureties, viz. C. D. of E. and F. G. of H. either of them in the Sum of 20 l. and the said J. K. in 40 l. which they have acknowledged before me, by Recognizance to her said Majesties use, upon Condition that the said J. K. shall appear at the next General Sessions of the Peace to be holden for this County, and in the mean time to keep the Peace towards her said Majesty, and all her Liege People, and especially W. R. of, &c. These are therefore (in her Majesties Name) to command and require you, and every of you, that you do forbear and surcease to arrest, attach, take, imprison, or otherwise by any means (for the said occasion) to molest the said J. K. and if he be, or hereafter shall be, for the said occasion, and for none other taken or imprisoned, that then immediately upon sight hereof you do cause him to be delivered and set at liberty without further delay. Given under, &c.

(232.) A *Mittimus* for breaking the Peace.

To the Keeper, &c.

Devon. ss. I send you herewithal the Body of C. D. whom I charge and require you (in her Majesties Name) to take into your safe custody for divers Misdemeanors committed by him against her said Majesties Peace, until he shall procure two sufficient Sureties to be bound with him in a Recognizance (to her said Majesty) either of them in the Sum of 20 l. and himself in 40 l. to appear before her said Majesties Justices of the Peace at the next Sessions of the Peace to be holden for the County, and in the mean time to be of Good Behaviour towards her said Majesty, and all her Liege People. Whereof fail not, &c. Given under, &c

(233.) A Release of the Peace.

Devon. ff. **M**Emorandum, Quod nono die Junij Anno Reg. &c. quinto prefatus C. D. venit coram me predicto E. F. & gratis remisit & relaxavit (quantum in ipso est) predictam securitatem pacis, per ipsum versus infra nominatam Aliciam Simpson, coram me petitam, die & anno supradictis.

(234.) A Condition to save one harmless that was a Surety for the keeping the Peace.

THE Condition of this Obligation is such, That whereas the above-named C. D. and E. F. together with the above-bound G. H. and for him, the Day of the Date hereof, have by Recognizance acknowledged to owe unto our Sovereign Lady the Queen ten pounds a-piece, that the said G. H. shall from henceforth for ever keep her Majesties Peace against one R. S. of, &c. as by the said Recognizance entred into and acknowledged as aforesaid, more at large appeareth. If therefore the said G. H. his Heirs, Executors or Administrators at all times hereafter, and from time to time do clearly acquit, release, discharge, save harmless and indemnified the said C. D. and E. F. their Executors and Administrators, and their Lands, Tenements, Goods and every of them, as well against our Sovereign Lady the Queen's Majesty, her Heirs, Successors, Officers and Assigns, as against all and every other Person and Persons of or concerning the said Sums of, &c. and every part and parcel thereof, and also of the said Recognizance, and all Costs, Losses, Damages and Troubles, Suits, Extents, Judgments and Executions concerning the same; that then this Obligation to be void and of none effect, or else to stand and remain in full force and virtue.

(235.) A Condition to appear at Sessions and keep the Peace.

THE Condition of this Recognizance is such, That if the within bounden C. D. shall personally appear before the Justices of our said Sovereign Lady the Queen

Queen at the next General Sessions of the Peace to be holden in the County of *Devon* at, &c. in the said County, to do and receive that which by the Court shall be then and there enjoyned him, and that he in the mean time do keep the Peace of our Sovereign Lady the Queen, towards the Queen's Majesty, and all her Liege People, and especially towards *L. M. of O.* aforesaid Taylor, then this Recognizance to be void, or else to stand in full force and virtue.

Plague.

(236.) A Pass or Certificate in the time of Plague.

To the Constables, &c. and other her Majesties Officers within the said County, to whom these Presents shall come respectively.

Devon. ss. **W**Hereas *J. H.* of *K.* having occasion to go 1 Jac. 1. 31. unto *M.* and several other Places in the said County, to dispatch Business in which he is employed, hath this day desired a Pass from us, that he may go and return without molestation or interruption. These are therefore to certifie all whom these Presents may concern, that the Parish of *K.* aforesaid, is free from the Infection of the Plague, and also to will and require you and every of you to permit and suffer the said *J. H.* peaceably and quietly to go into and return from *M.* aforesaid, and such other places as the said *J. H.* shall go unto by reason of his Business aforesaid; The said *J. H.* in his Passage to and from the Places aforesaid, demeaning himself civilly, without disturbing or interrupting the Queens Majesty's Peace. Given under our Hands and Seals, &c.

(237.) The Oath of the Searchers for the Plague.

YOU shall Swear, That you carefully search, enquire and examine all such Persons as shall die within the Parish of *E.* and you shall truly publish and declare whether any such Persons do die of the contagious Sicknes of the Plague, either by any sign that shall

shall appear by the Tokens, Rising sores, or otherwise without any conniving in any manner whatsoever, to the utmost of your Judgment, Understanding and Knowledge, or of what other Disease they shall die.

So help you God, &c.

(238.) *The Bearers Oath.*

YOU shall well and truly serve in the place of a Bearer, at the visited House or Houses where you shall be employed or appointed; you shall not purloin or carry away any Goods whatsoever forth of the said House or Houses, and that you have a special care not to come into any Company, but continually to remain in such a place as shall be appointed for you, excepting such times as you are employed in your said Office of a Bearer, and in every other thing that belongeth to that Place, you shall accordingly as you shall be directed by the Officers, well and faithfully behave your self.

So help you God, &c.

(239.) *The Examiners Oaths.*

YOU shall well and truly execute the Office of Examiners for Health within the Parish of G You shall truly enquire and learn from time to time what Houses within the said Parish be visited, and what Persons be Sick, and of what Diseases as near as you can inform your selves, and upon doubt in that case you shall command restraint of access, until it shall appear what the Diseases shall prove, and if you shall find any sick Person of the Infection, you shall give present Order to the Constable that the House be forthwith shut up; and if you find the Constable remiss or negligent therein, then to acquaint some Justice of the Peace within the Liberty or County therewith: You shall see the visited Persons and their Attendants Weekly paid, and in every other thing belonging to your Office, according to the Statute, and the Book of Orders set forth by her Majesty and her Privy Council, for the better ordering of visited Houses, you shall well and faithfully behave your self.

1 Jac. 1.
cap. 3^d.

So help you God, &c.

A

A Justice may (as he thinks fit) appoint Searchers, Watchmen, Examiners, Keepers and Buriers for Persons and Places infected with the Plague, give them their Oaths for performance of their Offices, and other Directions as to his discretion shall seem good,
Jac. 1. cap. 31. §. 9.

240.) A Warrant to shut up a House which is infected, and to take care for their present Maintenance.

To the Constables, &c. and to the Churchwardens and Overseers of the Poor, &c.

VHereas we are credibly informed, that the Plague is in the House of C. D. whereof one ^{1 Jac. c. 31 confirmed} died, and that divers of the Inhabitants of your said ^{by 3 Car. 1 cap. 5.} Parish have resorted to the said House, both before and after the said Party was dead, and especially G. H. J. K. and L. M. in the House of N. O. by reason whereof it is feared that they are Sick, and so by reason thereof the sickness is like to encrease and spread further in the Town, unless there be speedy provision made for the preventing thereof. These are therefore (in her Majesty's Name) to charge and command you, that forthwith you cause the said House so infected to be shut up, and that you appoint a Warder at the Door to keep them from coming forth, and others from going to them; and that you the Churchwardens and Overseers of the Poor be careful that the Parties shut up be sufficiently provided for, for their present Relief and Sustenance; and further that you cause the said N. O. and his Family to keep themselves within their own Doors, and in the mean time he forbear to victual, or let any come in to his House till he hath further order, and of your further care and diligence herein, we do expect a continual account that we may give further directions as occasion shall require. And we further order and advise the Parishioners that they be very careful not to mingle themselves with those that have been of the same infected house; and of this our Warrant we require you to give special notice. Hereof fail not at your perils. Given under our Hands and Seals, &c.

1 Jac. 1. If any Person go abroad after restraint, having any
 cap. 31. Infectious Sore upon him uncured, its Felony; if he
 39 Eliz. hath no Sore upon him he is to be punished as a Va-
 ap. 4. Co. gabond, and bound to the Good Behaviour for
 Inst. 3. 90. Year.

(241.) A Warrant to make a Rate for the Relief of Persons infected.

To the Churchwardens and Overseers of the Poor of the Parish of, &c.

1 Jac. 1. *Devon. ss.* **F**Orasmuch as Information hath been given
 cap. 31. unto us by Certificate, that the Parish of *W*
 2 Justices within this County is infected with the Plague, and do
 find themselves unable to relieve the poor infected Persons, and therefore have need of relief from the adjacent Places, five Miles about, according to the Statute in that behalf provided. These are therefore (in her Majesty's Name) to command you and every of you to come before us on the tenth Day of *July* next at nine of the Clock in the Forenoon at, &c. in *P.* &c. and bring with you your Church-Books of Rates for the Poor, to the end that an equal Weekly Rate and Assessment may be made for the purposes aforesaid. Hereof fail not at your perils. Given under, &c.

A Weekly Rate made the 10 Day of *June*, &c. by *W* R. and *J. K.* Esquires, two of her Majesties Justices of the Peace, with the Assistance of the Churchwarden and Overseers of the Poor of the Parishes within five Miles compass of the Parish of *C.* at this time infected with the Plague, to be paid by the Inhabitants of the same Parishes Weekly for their relief, during the time of the Infection, according to the Statute in that behalf provided.

The Inhabitants of the Parish of *G.* to pay Weekly (*viz.*)

	<i>s.</i>	<i>d.</i>
<i>E. F.</i>	01	06
<i>C. H.</i>	00	10
<i>J. K.</i>	00	08

(242.) A Warrant to levy the Weekly Relief.

To the, &c.

Devon. ss. **F**Orasmuch as there being a Rate or Assessment made for your Parish of P. (annexed to this Warrant) for the Relief of the Inhabitants of the Parish of B. in this County, at present infected with the Plague; according to the Statute in that behalf made and provided. These are therefore in her Majesties Name to command you, that you, some or one of you do forthwith levy and collect the severall and respectively Sums of Money of the Persons therein respectively named, by distress and sale of the Goods of the Offenders, rendring to the Parties the over-plus (if any be) and the same Money so by you received; to be paid to the Overseers of the Poor of the said Parish of B. and give in the same upon your Account at the end of the Year. Given under our Hands and Seals, &c.

1 Jac.
cap. 31.
2 Justices.

Note, Upon Non-payment to be committed till paid, and Arrears thereof.

Poor.

(243.) A Warrant for the Overseers of the Poor to account and name other fit Persons for the Year ensuing.

To the Constable, &c.

Devon. ss. **T**Hese are in her Majesties Name to command you to give Notice to the Churchwardens and others the Overseers of the Poor of C. that they are by us required personally to appear before us at the House of J. K in L. &c. on *Tuesday* the fifteenth Day of *August*, at eight of the Clock in the Forenoon of the same Day, to make and yield up unto us a true and perfect Account in Writing of all Sums of Money by them received, or rated and assessed and not received for and towards the Relief of the Poor of M. and also of such Stock (to set the Poor on work) as is in their Hands or in the Hands of any of them, and of all other things concerning the said Office. And that hereof they fail not at their perils. And you are further hereby commanded to signifie unto them that they do

then and there also certifie unto us the Names of such other Housholders of C. as are thought meet to be Overseers of the Poor there for the Year ensuing. Fail not at your perils. Given under our Hands and Seals, &c.

Note, If there be no Nomination of Overseers of the Poor yearly, every Justice dwelling within the Division shall forfeit to the Poor 5 l.

43 Eliz.
cap. 2.
§. 10.

(244.) A Warrant to appoint new Overseers, and to impower them to make Provision for the Poor during a Year.

To E. F. and G. H. Overseers of the Poor of the Parish of, &c

43 El.
cap. 2.
2 Justices,
1 Quor.

Devon. ss. **B**Y virtue of a Statute made in the 43 Year of Queen Elizabeth, Entituled, *An Act for the Relief of the Poor, &c.* We do appoint you whose Names are above written, Overseers of the Poor within the said Parish for one Year. And these are in her Majesties Name to require you, that according to the said Statute you take Order from time to time for this Year to come, for the setting to work the Poor within your Parish, and to make a Rate of the Inhabitants of the same from time to time by a Months Assessment, for the raising of a convenient Stock of some Ware or Stuff in your Parish for the providing of necessary Relief for such as be lame and impotent among you, and for the placing as Apprentices such Children, whose Parents are not able to maintain them. And for the better effecting hereof, you the said Overseers, together with the Churchwardens, are hereby required to assemble and meet together once every Month. and take Order in the Premises, and if any of your Parish do refuse to pay such Sum and Sums of Money as are rated and assessed upon them, from time to time for the uses aforesaid, according to the said Statute, or any former Assessment now in Arrears and uncollected; then you are hereby authorized to levy the same by Distress and Sale of the Refusers Goods, rendring the Overplus (if any be) to the Owners thereof, the said Assessment having been first allowed under the Hands of two Justices of the Peace for the said County. Fail not herein at your Perils. Given under our Hands and Seals at, &c.

(245) A Warrant to provide a Stock to set the Poor at Work, and to provide Relief for them.

To the, &c.

Devon. ff. **W**Hereas by an Act of Parliament made in the 43 Eliz. 43d Year of the Reign of the late Queen *Eliza.* cap. 2. *beth,* Intituled, *An Act for the Relief of the Poor.* These are to will and require you, whose Names are here under-written, that you together with the Churchwardens of your Parish for the time being, do, according to the same Statute; take Order from time to time, for this Year to come, for the setting to work all the Poor within your Parish (as well married as unmarried) that are able to work, and have no Means to maintain themselves, nor use no ordinary and daily Trade of Life to get their Living by. And also for the placing out, as Apprentices, all such Children within your said Parishes as are fit to be put forth, whose Parents are not able to keep and maintain them; and also for the raising of a convenient Stock of Flax, Hemp, Wooll, Thread, Iron, and other necessary Wares and Stuffs in your said Parish for that purpose. And also for the providing of necessary Relief for all such poor within your said Parish as are Lame, Old, Blind, Impotent and unable to work, wherein, if you be found negligent, or shall not meet once a Month to confer together for the purpose aforesaid, then you are to forfeit 20 s. a-piece for every Month you shall be found remiss or careless therein. And therefore see that you fail not in the Premises at your Perils. Dated the 12th day of June, &c.

(246) A Warrant to appoint new Overseers of the Poor to take their Charge.

Devon. ff. **W**E whose Names are hereunto subscribed, Justices of the Peace for the County of D. do approve and appoint C. D. and E. T. of, &c. to be new Overseers of the Poor of the said Parish for the space of one whole Year next ensuing the Date hereof, commanding them together with the Churchwardens to provide for the said Poor (according to the Form of the Statute in such Case made and provided.) Given under our Hands and Seals, &c.
J. K. L. M. &c.

When the Overseers Books are passed, you write in their Books at the foot of the Accompt.

If Money due to the Old Overseers, you say,

	l.	s.	d.
Due to be paid from the New to the	}	12	00 00 &c.
Old Overseers _____			
10th of August seen and allowed by us			
			J. K. L. M.

If any Money due to the New Overseers, say,

	l.	s.	d.
Remaining in the Old Overseers Hands to	}	12	00 00
be paid to the new ones _____			

At the bottom of every Overseers Warrant put what is due from the one to the other.

(247) A Warrant to make Overseers of the Poor, empowering them and the Churchwardens to collect the Poors Tax, and upon Non-payment to Distrain.

To the, &c.

43 Eliz.
cap. 2.
2 Bulstr.
353.

Devon. ss. **W**HEREAS by virtue of an Act of Parliament, Intituled, *An Act for the Relief of the Poor*, in the 43^d Year of the Reign of the late Queen Elizabeth; We whose Names are subscribed her Majesties Justices of the Peace in the said County of D. and one of us of the Quorum, dwelling in or near the Parish of E. in the said County of D. have nominated and appointed G. H. and I. K. according to the said Act of Parliament to be Overseers for the Poor of the said Parish; and receiving of the several Sums of Money taxed and assessed by them on the several persons on the 24th day of May instant. These are therefore according to the said Act of Parliament to authorize you the said Churchwarden and Overseers of the Poor, or any of you to collect and receive all such Sums of Money as aforesaid, and the same respectively to levy of all such persons as shall refuse to pay the aforesaid Assessment by way of Distress and Sale of their Goods for so much, rendring the Overplus, if any be, to the party or parties distrained; and for default of Distress we require all Constables and other Officers to bring before us or some other of her Majesties Justices of the Peace of this County, the Bodies of all such persons where no Distress can be had, that farther course may be taken with them according to Law. Dated the, &c. day of, &c.

(248) The

(248) *The Title of an Assessment for the Poor.*

C. D. in **A**N Assessment made on the Inhabitants of the
 Com. D. **A** Parish aforesaid, for and towards the Relief of
 the Poor of the said Parish for the present Year ensuing.
 from the Feast of the Annunciation of the Blessed Virgin
 Mary, 1706.

C. D. Churchwarden.

E. F. } Overseers.

G. H. }

(249) *A Confirmation by the Inhabitants.*

WE whose Names are hereunto subscribed, being the
 ancient Inhabitants of the Liberty aforesaid, have
 seen this Book and perused the same; and the same is by us
 Rated upon the Inhabitants aforesaid, according to the best
 of our Judgments. Witness our Hands the, &c. day of, &c.
 Annoq; Domini, 1706.

C. D. L. M.

E. F. N. O.

G. H. P. Q.

I. K. R. S.

(250) *A Confirmation of the Rates for the Poor by
 the Justices, &c.*

Devon. ss. **S**EEN, ratified and allowed by us whose Names
 are here under-written two of her Majesties
 Justices of the Peace within the County aforesaid. And we
 do hereby authorize the present Churchwardens and Over-
 seers for the Poor within the Parish of C. and every of them,
 to levy by way of Distress and Sale of the Goods of all such
 persons as shall refuse or neglect to pay the several Taxa-
 tions aforesaid, upon them imposed, rendring to the Owners
 the Overplus which shall remain upon the said Sale accord-
 ing to the Statute in that Case made and provided. Given
 under our Hands and Seals, &c.

(251) *A Confirmation of the Poors Rates at a General Quarters Sessions upon Complaint of the Inhabitants.*

2 Justices.

W E whose Names are here under subscribed, two of her Majesties Justices of the Peace for the County of D. and both of the *Quorum*, being appointed at a General Quarter Sessions of the Peace held at N. in the County aforesaid, this 20th day of April, 1706. to hear and examine the Differences betwixt the Parishioners of the Parish of C. in the County aforesaid, and the Overseers of the Poor of the said Parish, in reference to a Rate made whereby some did urge that they were over-rated, and upon Examination of the said Matters, we do find the said Rate complained of, is the same that was formerly made two Years last past. And we do thereupon, according to the Statute in that behalf made, confirm the said Rate in respect that the Complainants are fully satisfied with the same as the Churchwardens and Overseers do affirm.

C. D. E. F.

(252) *A Warrant to levy the Arrears due to the Parish from the former Overseers Account by Distress.*

To the Churchwardens and other the Overseers of the Poor of the Parish of C. in the said County, and to every of them.

43 Eliz.
cap. 2.

2 Justices.

1 Quorum.

Dalt. 154.

Devon. ss. **F** Orasmuch as (upon your Complaint) it appeareth unto us, That C. D. and E. F. Churchwardens of the Parish aforesaid, and G. H. and I. K. Overseers of the Poor of the said Parish in the Year of our Lord 1706. upon their Account by them made, and yielded of and for the Moneys by them received and disbursed for and in Execution of their said Office, according to the form of the Statute in that case made and provided, were in arrear and behind to the said Parish 10 l. and have not yet paid the same over to you. These are therefore in her Majesties Name to command you, that you, some or one of you, do levy the said 10 l. by Distress and Sale of the Goods of the said C. D. E. F. G. H. and I. K. rendring to them the Overplus, and in default of such Distress. that then you do forthwith certifie the same unto us, to the end that we may farther do therein as to Justice doth appertain. Hereof fail not. Given under our Hands and Seals this, &c. day of, &c.

Note, Refusing to accompt to be committed to Goal.

(253) A

(253) A Warrant to levy 5 l. on an Overseer of the Poor for not keeping of Monthly Meetings.

To the Churchwardens and Overseers, &c.

Devon. ss. **F**Orasmuch as it hath been duly proved before us, 43 Eliz. That C. D. one of the Overseers for the Poor cap. 2. of the Parish aforesaid for the Year of our Lord, 1706. did 2 Justices, for the space of, &c. within the said Year, absent himself 1 Quorum. from such Monthly Meetings as by the Duty of his aforesaid 2 Bulstr. Office, he was by the Statute in that behalf made enjoined, 345, &c. contrary to the Statute aforesaid, whereby he hath forfeited 358. 5 l. for his absence aforesaid. These are therefore in her To meet Majesties Name to command you, that you, some or one of monthly on you, do levy the aforesaid 5 l. by Distress and Sale of the Sunday Goods and Chattels of the said C. D. and the same to employ Evening, and dispose of to the use of the Poor of the said Parish, and or forfeit such other Uses as by the Statute is appointed. And in 20 s. for case of default of such Distress do you certifie the same to each de- us, to the end that there may be such farther Proceedings fault, al- touching the Premises, as by Law is required. Given under loving a our Hands and Seals, &c. just excuse.

(254) A Warrant to Distrain for the Poors Tax.

To the Churchwardens, &c.

Devon. ss. **F**Orasmuch as Complaint hath been made by you 43 Eliz. unto us, That the several persons here under cap. 2. named have refused to pay unto you the several Sums of 2 Justices. Money adjoining to their several Names, being assessed upon 1 Quorum. them severally for and towards the necessary Relief of the Poor of the said Parish according to the Form of the Statute in that Case made and provided. These are therefore in her Majesties Name to command you, that you, some or one of you do forthwith levy the said several and respective Sums of Money by Distress and Sale of the several and respective Goods of the said several and respective Offenders rendring to the parties the Overplus. And in defect of such Distress, that then you, some or one of you, do certifie the same unto us, to the end that there may be such farther Proceeding touching the Premises as to Justice doth appertain. Given under our Hands and Seals, &c.

	<i>l.</i>	<i>s.</i>	<i>d.</i>
E. F. ———	00	02	06
G. H. ———	00	01	05

Note. All things that are real, and a yearly Revenue, must be taxed to the Poor, *Dalt.* 165.

The Cause of Taxes are three. 1. To raise the Poor a Stock. 2. To relieve the impotent by Money. 3. To put out Apprentices, *Dalt.* 150.

(255) A *Mittimus* where there is not sufficient to Distrain.

To the Keeper, &c.

Devon. ff. **F**Orasmuch as it appeareth unto us, That *E. F.* of, &c. was assessed and rated at the Sum of, &c. for and towards the necessary Relief of the Poor of the said Parish (according to the form of the Statute in that case made and provided) and that for his Refusal of payment of the same a Warrant was according to the form of the said Statute, directed to the Churchwardens and other the Overseers of the Poor of the Parish aforesaid, under the Hands and Seals of *I. K. L. M. &c.* her Majesties Justices of the Peace of the County aforesaid; and for that it now appeareth unto us, that the said *E. F.* hath no Goods or Chattles, by Distress and Sale whereof the said Moneys can be levied, nor will he yet pay the Moneys aforesaid. We therefore do send you herewithal the Body of the said *E. F.* commanding you to receive him into the said Gaol, there to remain, without Bail or Mainprise, until he shall pay the Moneys aforesaid. Hereof fail not at your perils. Given under our Hands and Seals, &c.

(256) A Warrant to the Overseers of the Poor to pay Arrears, and continue weekly Relief to poor Persons.

To the Churchwardens and Overseers of the Poor for the Parish of C. and to every of them.

43 Eliz.
cap. 2.

Devon. ff. **W**Hereas Complaint hath been made unto me by *E. F.* of your said Town, That *G. H.* and *I. K.* the now Overseers of the poor of your said Parish formerly paid unto the said *E. F.* the Sum of 1 s. 8 d. per Week for and towards the Maintenance of her self and Children, and that you do now suspend the payment thereof, whereby the said *E. F.* is utterly disabled to provide for her self and Children. These are therefore in her Majesties Name to charge and command you the said Overseers, that presently upon

fight

right hereof, you or some of you pay unto the said E. F. all such Arréars as are accrued since your forbearing the payment of it, and that you continue to her the former Allowance of 1 s. 8 d. for the future, or forthwith to shew Cause why ye refuse to make the same. And hereof fail not, &c.

(257) A Warrant to levy Relief for the Poor.

To the Churchwardens and Overseers, &c.

Devon. S. **W**Hereas Complaint hath been made unto me, That A. B. of your said Town, who is a very poor Woman, is now very sick and weak, and is utterly disabled to provide for her self, or her Children, so that all of them are in danger of perishing for want of Sustenance. These are therefore in her Majesties Name straitly to charge and command you, and every you, that immediately upon sight hereof, you or some of you do by a general Assessment levy throughout the whole Town, or otherwise make such an Allowance to the said A. B. as may be convenient for and towards the Relief of her self and Children; or forthwith shew Cause if you can, why you refuse to make the same. And hereof, &c.

(258) A Condition to the Churchwardens and Overseers of the Poor to save a Parish harmless upon inhabiting there.

THE Condition of this Obligation is such, That whereas one A. B. Weaver, is now lately come to inhabit and dwell within the said Parish of C. and likely to become chargeable to the same; If therefore the said E. F. and G. H. or either of them, their or either of their Heirs, Executors, Administrators or Assigns, or every or any of them do, and shall from time to time, and at all times hereafter fully and clearly acquit, discharge, save harmless and indemnifie as well the within named G. H. and I. K. Churchwardens of the Parish Church of C. aforesaid, and the now Overseers of the Poor of the said Parish and their Successors, as also all the Inhabitants and Parishioners of the said Parish, which now are, or at any time hereafter shall be there resident, and every of them, of and from all and all manner of Costs, Charges, Payments, Taxes and Expences whatsoever, which shall or may at any time hereafter in any manner of wise arise, happen, come, grow due, or be imposed upon them or any of them, for or by reason or means of the said A. B.

his

his Wife, or Children, or any of them, their or any of their, &c. residing, living or inhabiting in the said Parish of C. and of and from all Troubles, Charges and Demands whatsoever concerning the same; that then this Obligation to be void, or else to remain in full force.

Sealed and delivered, &c.

Note, The Statute of 13 & 14 Car. 2. cap. 12. revived by 1 Jac. 2. 17. and Enacted, That forasmuch as poor persons at their first coming to a Parish do commonly conceal themselves, the 40 days (intended by the Act of 13 & 14 Car. 2.) to make it a Settlement shall be accounted from the time of their deliveries of Notice in Writing of their Houses of Abode, and the Number of their Family (if they have any) to one of the Churchwardens or Overseers of the Poor of the said Parish to which they remove.

(159) A Warrant to warn one to depart out of a Parish, he not having given Notice within forty days of the place of his Habitation, &c. or to give sufficient Security to indemnifie the Parish, and upon Refusal to be apprehended.

To the Constable, &c.

1 Jac. 2. 17. Devon. ss.

2 Justices.

1 Quorum.

WHereas Complaint hath been made unto us by the Churchwardens or Overseers of the Poor of the Parish of *W.* in the County aforesaid, That *C. D.* in *June* last was legally settled as a Native; Householder, Sojourner, Apprentice or Servant [as the Case is] in the Parish of *F.* in the said County, is now come into the said Parish of *W.* endeavouring to settle himself as an Inhabitant thereof, and doth not rent the value of 10 *l. per annum* there nor hath within forty days last past given or delivered to the Churchwardens or Overseers of the Poor of the said Parish any Notice in Writing of the House of his Abode, and the Number of his Family; but is likely to become chargeable to the said Parish contrary to the Forms of the Statutes in that Case made and provided. These are therefore in her Majesties Name to command you, that you, some or one of you do warn the said *C. D.* forthwith to depart out of and from the said Parish of *W.* to the place of his last Abode and Settlement, or otherwise to give sufficient Security to be allowed by us not to be chargeable to the said

Parish.

Parish; and if he shall refuse or neglect so to do, that then you forthwith apprehend and bring the said C. D. before us or some others of her Majesties Justices of the Peace for this County, to shew good Cause to the contrary, or to be proceeded against according to Law. Hereof fail not at your perils. Given under our Hands and Seals, &c.

(260.) A Warrant (upon not obeying the preceding Warrant) to remove one to the place of his last Settlement, and to require the Churchwardens, &c. there to provide for him.

To the Churchwardens and Overseers of the Poor of the Parish of P. in the County of Devon: and to the Churchwardens and Overseers of the Poor of the Parish of Q. in the County aforesaid, and to all and every of them.

Devon. ss. **W**Hereas Complaint hath been made unto us ^{13 & 14} by the Churchwardens [or Overseers of ^{Car. 2.} the Poor] of the said Parish of P. That R. S. who was legally settled as a Native, Householder, Sojourner or Servant ^{cap. 12.} [as the Case is] in the Parish of Q. in the County afore- ^{revived.} said, is now come into the said Parish of P. endeavouring ^{1 Jac. 2.} to settle himself as an Inhabitant thereof, and doth not rent ^{cap. 17.} the value of 10 l. per Ann. there, nor hath within forty ^{2 Justices,} Days last past given or delivered, either to the Church- ^{1 Quor.} wardens or Overseers of the Poor of the said Parish, any Notice in Writing of the House of his Abode, and the Number of his Family, but is likely to become chargeable to the said Parish contrary to the form of the Statute in that Case made and provided. And being required by a Warrant under the Hands and Seals of two of her Majesties Justices of the Peace for the said County to depart out of and from the said Parish of P. or otherwise to give sufficient Security not to become chargeable to the said Parish, or shew good cause to the contrary, hath refused or neglected so to do. These are therefore in her Majesties Name to charge and command you, that you, some or one of you do forthwith remove and convey the said R. S. from the said Parish of P. unto the said Parish of Q. the same being as we are credibly informed, the place of his legal Settlement, and to deliver him to the Churchwardens and Overseers of the Poor there, or to some, or one of them (together with this Precept, or a true Copy thereof) who are hereby required to receive and provide for him as a settled Inhabitant there according to Law. Given under our Hands and Seals, &c.

(261.) A Warrant to apprehend one for returning into the Parish, from whence he was removed.

To the Churchwardens, &c. (as before.)

Devon. ss. **V** Hereas C. D. in June last being legally settled as Native, Housholder, Sojourner, Apprentice or Servant [as the Case is] in the Parish of L. in the County aforesaid, came in the Parish of M. to settle in a Tenement there under the Yearly value of 10 £ not having within forty Days last past given or delivered either to the Churchwardens or Overseers of the Poor of the said Parish of M. any Notice in Writing of the House of his Abode, and the Number of his Family, and is likely to be chargeable to the Parish, was upon Complaint thereof made by the Churchwardens and Overseers of the Poor of the said Parish, according to the Form of the Statute in that Case made and provided, by Warrant to the said Churchwardens and Overseers of the Poor directed, by them removed and conveyed to the said Parish of L. there to remain, according to the said Statute; since which the said C. D. did return of his own accord to the said Parish of M. from whence he was so removed. These are therefore in her Majesties Name to command you, that you some or one of you, do cause the said C. D. to come before us, some or one of us at the House of W. R. Innholder, called the *Bull Inn* in P. in the said County, the tenth Day of September now next ensuing, at ten of the Clock in the Forenoon of the same Day, to shew cause why he returned to the said Parish of M. and further to do and receive as to Justice doth appertain. Hereof fail not a you perils. Given under our Hands and Seals, &c.

(262.) A *Mittimus* against one that returneth into a Parish after he was removed.

To the Constable, &c. and to the Keeper of her Majesties Gaol for the said County at L. &c.

13 & 14
Car. 2.
cap. 12.

Devon. ss. **V** Hereas upon Complaint according to the form of the Statute in that behalf lately made, That C. D. an Inhabitant, [Native, Housholder, Sojourner, Apprentice or Servant] last legally settled in N. came into the Parish of R. in the County aforesaid

(b) 1

b) to work, and was not returned, and thereupon the Churchwardens and Overseers of the Poor of the said Parish did according to the Statute aforesaid, convey the said C. D. to the Parish of N. aforesaid, there to remain an Inhabitant as formerly he was; after which said conveying the said C. D. did return of his own accord to the aforesaid Parish of R. from whence he was removed. These are therefore in her Majesties Name to require you the said Constable and Borsholders, and every of you, that you, some or one of you do take the said C. D. and him convey to the aforesaid House of Correction, and there deliver him to the aforesaid Keeper of the same, (together with this receipt) requiring also you the Keeper to receive him into the said House, and there punish him as a Vagabond. Hereof fail not at your perils. Given under my Hand and Seal the, &c.

(b) To work if the Case be so, otherwise leave these words out. To settle in a Tenement there under the yearly value of 10 l. not having given notice within 40 days, &c.

263.) A Warrant to send a Wife and Child to her Husband in the Parish from whence she came.

To the Churchwardens and Overseers of the Poor of the Parish of, &c.

Devon. ss. **F**Orasmuch as Complaint hath been by you 13 & 14 made unto us, That S. the Wife of L. M. Car. 2. an Inhabitant in the Parish of N. in the County aforesaid) cap. 12. is lately come into your said Parish of P. and hath brought 2 Justices. with her thither a Male Child of the said L. and S. of the Age of, &c. or thereabouts, and that both the said S. and Child are likely to become chargeable to your said Parish, and you have thereupon craved from us such Relief touching the Premisses, as by Law is appointed. These are therefore in her Majesties Name to authorize and require you, that you, some or one of you do convey the said S. and Child to the said Parish of N. and there to deliver them to the said L. in Case you there find him, to be with him settled according to Law. And in case that you cannot there find him, then to deliver the said S. and Child to the Overseers of the Poor of the said Parish of N. to be disposed of according to Law. Given under our Hands and Seals the, &c.

(264.) A *Mittimus* to the House of Correction of one that refuseth to be removed after his Work finished.

To the Constables and Bursholders of, &c. and to the Keeper of the House of Correction, &c.

Devon. ss. **V** Hereas upon Complaint according to the Form of the Statute in that behalf lately made, that C. D. an Inhabitant in E. came into the Parish of G. in the said County to work, and was not returned upon his finishing thereof. And thereupon the Churchwardens and Overseers of the Poor of the said Parish were according to the Statute aforesaid, required and authorized to convey the said C. D. to E. aforesaid, there to remain an Inhabitant as formerly he was; nevertheless the said C. D. though lawfully required, refused to go thither. These are therefore in her Majesties Name to require you the said Constables and Bursholders and every of you, that you, some or one of you, do take the said C. D. and him convey to the aforesaid Keeper of the same, together with this Precept, requiring also you the said Keeper to receive him into the said House, and punish him as a Vagabond. Hereof fail not at your peril. Given, &c.

(265.) A Warrant and *Mittimus* for one who runs away and leaves his Family upon the Parish.

To the Constable, &c. and to the Keeper of her Majesties Gaol for the said County at, &c.

7 Jac. c. 4. *Devon. ss.* **F** Oasmuch as it hath been duly proved before
§. 8. us, that E. F. of the Parish of G. being able
Such person is adjudged an incorrigible Rogue. to labour, and thereby relieve himself and his Family, did nevertheless lately run away out of the said Parish, and leave his Family upon the Parish. These are therefore in her Majesties Name to command you the said Constable and Bursholders and every of you, that you, some or one of you, do take the said E. F. and him safely to convey to the Gaol aforesaid, and there deliver him to the said Keeper of the same together with this Precept, commanding also you the said Keeper to receive him into the Gaol aforesaid, and him there safely keep until he shall be thence delivered by due course of Law. Given under our Hands and Seals, &c.

(266.) A

(266.) A *Mittimus* on the precedent Warrant.

To the Keeper of the House of Correction, &c.

VE send you herewithal the Body of E. F. of, &c. for that he did run away and left his Wife and two small Children in the said Parish, which are become a Parish Charge to the said Parish of, &c. straitly charging and commanding you the said Keeper to receive the said E. F. into the said House of Correction to be dealt with as an incorrigible Rogue, and him there safely keep until he shall hence be delivered by Order of Law. Hereof fail not, &c.

Prisoner.

(267.) A Warrant to allow a Poor Prisoner Relief.

To R. G. Gent. Treasurer for Relief of the Prisoners in her Majesties Gaol for the said County at C. in the County aforesaid.

Devon. ss. **W**Hereas J. H. (now Prisoner in the said Gaol) ^{43 El. c. 2.} is in very great necessity for want of present relief for his Subsistence there. These are therefore (so far forth as in us lieth) to appoint and authorize you the said Treasurer to allow unto the said J. H. competent Relief (during his Necessity) in the said Gaol. Given under our Hands and Seals this, &c. Day of, &c. *Anno Dom. &c.*

(268.) A Discharge of a Prisoner out Gaol.

To the Gaoler or Keeper, &c.

Devon. ss. **W**E W. R. and S. T. Esquires, two of her Majesties Justices of the Peace for the County aforesaid, greeting. Forasmuch as C. D. of, &c. Tailor, hath found sufficient Sureties before us for his personal Appearance at the next Quarter Sessions to be holden at, &c. aforesaid. These are therefore (in her Majesties Name) to require and authorize you, that forthwith upon sight hereof you discharge the Body of C. D. aforesaid, if he be detained for no other cause but upon J. K. and W. R. their Varrant. Given under our Hands and Seals, &c.

Or thus.

To the Gaoler or Keeper, &c.

WHEREAS C. D. being by me committed to your Custody in your Gaol, till he put in Sureties for the Peace or Good Behaviour (as the case requires.) These are therefore, &c. as before.

(269.) *For a Prisoner to be Bailed.*

31 Car. 2.
cap. 2.

THESE are to charge and require you, that immediately (upon your Receipt of this) you bring before me the Body of C. D. now in your custody to be bailed, as Law requireth. Given under, &c.

(270.) A Warrant from a Judge to bring a Prisoner from a Gaol to give Evidence.

To the Keeper of her Majesties Gaol of, &c.

YOU are hereby required to bring the Body of J. H. in safe custody to, &c. being the, &c. Day of, &c. by two of the Clock in the Afternoon of the same Day, to testify the truth according to knowledge in a certain Cause now depending in the Court of Common Pleas, and there to be tried by *Nisi prius* before the Justices of the said Court, between L. M. Plaintiff and N. O. Defendant, in a Plea of Trespas on the case on the part of the Plaintiff, and after his Evidence given to remove him back safe to your Gaol. Hereof fail not. Given under my Hand and Seal, &c.

Rape.

(271.) A Warrant upon a Rape.

3 Ed. 8.
cap. 13.
13 Ed. 1.

To the Constables and Bursholders of, &c.

c. 34 & 35. *Devon. ff.* **F**ORASMUCH as we received information and charge against E. F. of G. &c. touching a certain Felony (that is to say) with the Carnal Knowledge and Ravish

Co. 3 Inst.
pag. 60.
Ho. 64, 95.

Ravish

Ravishment of S. the Wife of R.W. of, &c. These are therefore (in her Majesties Name) to command you and every of you, that you, some or one of you do attach the Body of the said E. F. and bring him before us to the House of, &c. on the fifteenth Day of this instant June, at two of the the Clock in the Afternoon, to be examined touching the Premisses, and to be further dealt with according to Law. Hereof fail not at your peril. Given under, &c.

Rates.

(272) Rates for Lodgings, Hay, Oats, &c.

NOne of her Majesties Servants in their Progress shall be compelled to pay above 6 d. per Night for a Bed for cap. 10. themselves, nor above three pence for a Bed for their Servants, and where they pay for their Diet, or for Provender for their Horses, Lodging shall be provided for them and their Servants for nothing.

(273.) A Warrant to appoint Rates for Lodgings, Hay, Oats, &c. upon her Majesties passing through any place.

To the Constable and Burshoulders of the Hundred of C. in the said County, and to every of them.

Devon. ss. **W**Hereas we have received notice from the Green-Cloath, that her Majesty will shortly pass through the Road in this County leading between E. and F. We therefore according to the form of the Statutes in that case made and provided, do set down and appoint the Rates and prices during her Majesties Abode within this Division for Lodgings, Hay, Oats and other Accomodations for Horses; as is here under written (which Rates are to be observed and kept, and obeyed by all Persons concerned, at their perils: And we do will and require you, and every of you, that you, some or one of you do in the Market Town within the said Hundred on the Market-day next ensuing, cause to be proclaimed the Rates, &c. and also that you do in the like manner cause to be proclaimed the Rates aforesaid in all the Towns and Villages within the said Hundred, within, &c. Days now next ensuing, to the end that notice may be taken of the same Rates and

13 Car. 2.
cap. 8.
2 Justices.
1 Jac. 2.
cap. 10.

M m Prices

Prices. Hereof fail not at your perils. Given under our Hands and Seals, &c.

For a Bushel of Oats, &c.

And, so ratable for every greater or lesser quantity, &c.

(274.) A Warrant for levying the Penalty forfeited for not observing the Rates aforesaid.

To the Constables and Burgholders, &c.

13 Car. 2. *Devon. ss.* **F**Orasmuch as it hath been duly proved before
cap. 8. me, That C. D. of E. in the said County, Inn-
1 Justice, keeper, hath taken of G. H. Yeoman of the Guards, more
1 Witness, for his Lodging [Horse-meat, Stable-room, or other Accomodation, &c.] during her Majesties late Abode within
1 Jac. 2. this Division, than by the Justices of the Peace of this
cap. 10. County was (according to the form of the Statute in that case made and provided) set down and appointed (contrary to the form of the Statute aforesaid.) These are therefore (in her Majesties Name) to will and require you, and every of you, that you, some or one of you do levy (to the use of the said G. H. by Distress and Sale of the Goods and Chattels of the said C. D.) 40 s. by him forfeited to the said G. H. for the Offence aforesaid, returning the overplus to the said C. D. (the charge of distraining being first deducted.) Hereof fail not at your perils. Given under my Hand and Seal, &c.

See the 1 part, *Rates of Water Carriage upon the River of Thames.*

Recognizances.

(275.) A single Recognizance taken before a Justice of the Peace.

Midd. ss. **M**emorandum, Quod primo die Martij Anno Reg. Dom. nostræ Annæ Dei Gratia Angliæ, Scotiæ, Franciæ & Hiberniæ Regin. Fidei Defensoris, &c. quinto venerunt coram A. B. & C. D. Armig. Just. dist. Dom. Reg. ad pacem in Com. E. conservand assign. F. G. de H. in Com. præd. Tailor, & J. K. de eodem Yeoman, ac L. M. de N. in Com. præd. Barber, & recognover. se debere dict. Reg. viz. quilibet manucaptor. præd. quinque libras & F. G. decem libras bonæ & legalis monete Angliæ (solvend. eidem Dom. Reg. in Festo Purificati-

ficationis Beatae Mariæ Virginis proximo futuro post datum præsent.) & nisi fecerint, concesserunt pro se, Hæred. Executor. & Administrator. suis per præsentēs, quod dicta separales summa leventur & recuperentur de maneriis, mesuagiis, terris, tenementis, bonis, catallis & hæreditamentis ipsorum F. G. J. C. & L. M. Hæred. Executor. & Assign. suorum, ubicunque fuerint invent. Dat. &c.

(276.) Or thus.

Mid. ff. **M**emorandum, Quod primo die Augusti Ann. Reg. Dom. nostræ Annæ Dei Gratia Angliæ, Scotiæ, Franciæ & Hiberniæ Reg. Fidei Defensor &c. quinto A. B. de C. in Com. præd. gen. personaliter ven. coram E. F. Arm. un. Justic. dict. Dom. Reg. ad pacem in Com. præd. conservand. assign. & recogn. se debere dictæ Dom. Reginæ viginti libr. bonæ & legalis monetæ Angliæ de bonis & catallis terris & tenementis suis fieri & levari ad opus dict. Dom. Reg. Hæred. & successorum suorum si defecerit in conditione indorsat. [if it be endorsed] or subscribed [if it be under written.]

The Condition of this Recognizance is such, &c.

(277.) Or thus with the Condition included, as to give Evidence.

Midd. ff. **M**emorandum, Quod, &c. A. B. de C. in Com. præd. Yeoman ven. coram me E. F. Arm. un. Justic. (&c.) Et * cognovit se debere dict. Dom. Reginæ decem libr. legalis monetæ Angliæ sub conditione, Quod si ipse personaliter comparebit coram Justic. dict. Dom. Reg. ad prox. General. Gaolæ deliberation. in Com. præd. tenend. adtunc & ibidem ostendend. in evidenc. secundum formam Statut. versus G. H. nuper de J. in Com. præd. qui modo Attach. & suspectus felonice, Gaolæ dict. Dom. Reg. Com. præd. commiss. existit Quod tunc hæc præsentis recognitio vacua fuerit & nullius effect. alioquin stet & reman. in suis plen. robore & vigore.

* If it be for two, then you say,
Et uterq; eorum; if three, Qui-
libet eorum per se cogn. se debere
dict. Dom. Reginæ, &c.

Capt. & cogn. die &
anno supradict. coram
m:

F. F.

(278) A Recognizance for the Peace.

D. II. **M**emorandum, Quod primo die Martii Anno Regni Dom. nostræ Annæ Dei Gratia, A. B. de C. in Com. præd. Tanner, in propria persona sua venit coram me E. F. Armig. uno Just. dict. Dom. Regina ad pacem in dicto Com. conservand. assign. & assumpsit pro seipso sub pœna 200 lib. G. H. de I. in Com. præd. Yeoman, & K. E. de &c. M. N. de &c. Clothiers, tunc & ibid. in propriis personis suis similiter venerunt, & manuceper. pro præd. A. B. viz. quilibet eorum separatim sub pœna 100 lib. quod idem A. B. personaliter comparebit coram Just. dict. Dom. Reg. ad pacem. ad prox. General Sessionem Pacis in Com. præd. tenend. ad faciend. & recipiend. quod ei per Curiam tunc & ibid. injungetur. Et quod ipse interim pacem dictæ Dom. Regina custodiat erga ipsum Dom. Reg. & cunctum populum suum, & præcipue versus K. L. de O. præd. Clothier, & quod damnum vel malum aliquod corporale aut gravamen præfato K. L. aut alicui de populo Dom. Regina quod in lesionem aut perturbationem Pacis ipsarum Dom. Reg. seu præfati C. cedere valeat quovismodo non faciet, nec procurabit. Quam quidem summam ducent. librar. præd. A. B. & quilibet manucaptor præd. separales summas centum libr. recognovere se debere dict. Dom. Reg. de terris & tenementis bonis & catallis suis quorumlibet & cujuslibet eorum, ad opus dict. Dom. Regina Hered. & Successor. suorum fieri & levari (ad quorumcunq; manus devenerint) si contigerit ipsum A. B. præmissa, vel eor. aliquod in aliquo infringere, & inde legitimo modo convinci. In cujus rei Testimoniam ego præd. E. F. sigillum meum apposui. Dat. apud, &c.

(279) A Recognizance for the Good Behaviour.

Memorandum, Quod tertio die mensis Augusti Anno Regni Dom. Annæ Dei Gratia (&c.) A. B. de &c. C. D. de &c. E. F. de &c. in propriis personis suis ven. coram nobis G. H. & J. K. Arm. Justic. dict. Dom. Reg (&c.) Et præd. C. D. & E. F. manuceper. pro præfat. A. B. Et præfat. A. B. adtunc assumpsit pro seipso quod idem A. B. personaliter comparebit coram Justic. dict. Dom. Reg. ad pacem (&c.) ad prox. General. Session. (&c.) Et quod ipse interim se bene geret erga Dom. Reg. & cunctum populum suum & præcipue erga L. M. de (&c.) scilicet quod ipse non inferet nec inferri procurabit per se nec per alios damnum aliquod seu gravamen præfat. L. M. seu alicui de populo ipsorum Dom. Reg. de Corporibus suis per, insidias insultus seu aliquo alio modo quod in lesionem seu perturbationem pacis dict. Dom. cedere valeat quovismodo, viz. uterq; præd. C. D. & E. F. sub pœna ducent. libr. quas quidem separal. summas cent. libr. uterq; præd. C. D. & E. F. (ut p. adicitur) per se ac præd. A. B. præd. summam ducent. libr.

libr. recognover. se debere dict. Dom. Reg. de terris & tenementis bonis & catallis suis & quorumlibet ac cujuslibet eorum ad opus ipsorum dict. Dom. Reg. fieri & levare si contingat prefat. A. B. in aliquo premissor. deficere & inde legitimo modo convinci. Dat. &c.

(280) For one indicted of Felony.

Memorandum, Quod decimo die Augusti Anno (&c.) quinto A. B. de C. Gen. E. F. de G. Yeoman, H. I. de eadem Yeoman, & J. L. de M. Yeoman, ven. coram me N. O. Arm. un. Justic. (&c.) ad pacem in Com. præd. conservand. assign. Et manuceper. pro R. S. de T. in Com. præd. Yeoman quilibet eorum corpus pro corpore quod idem R. S. personalit. comparebit coram præfat. Justic. & sociis suis ad prox. General. Session. Pacis in Com. præd. tenend. ad stand. recte in Cur. siquis versus eum tunc loqui voluerit de diversis felonis & transgr. unde idem R. T. indictatus existit (ut dicitur) Et ad respond. dict. Dom. Reg. de eisdem prout debet. Dat. &c.

Observations on Recognizances.

When you take a Recognizance of any, you must make it in Latin (but the Condition may be in English, as afore observed.) You must set down the time, the Name, Place, Trade or Calling of the Principal (and so of his Sureties, if any) and bind them in a Sum to her Majesty ; the Principal is usually the double Sum.

Then you read the substance of the same in English thus, viz.

You A. B. of C. &c. do acknowledge your self to owe unto our Sovereign Lady the Queen's Majesty 10 l. and you C. D. of E. &c. F. G. of H. &c. his Sureties do likewise each of you acknowledge to owe unto our said Sovereign Lady the Queen's Majesty 5 l. a-piece to be levied of your several Goods and Chattels, Lands and Tenements to her said Majesty, her Heirs and Successors, upon Condition, That if the said A. B. shall personally appear before her Majesties Justices of the Peace at the next * Quarter Session to be holden for the County of D. and in the mean time to be of Good Behaviour towards our said Sovereign Lady the Queen, and all her Liege People [&c. as the case requires] and do not depart thence without Licence from the Court, Then your Recognizance to be void, or else to stand in full force.

* Note, In Recognizances for the Peace, you say, *At the next Sessions of the Peace, &c.* and for Felony, you say, *At the next Gaol-delivery* ; and if any longer day be given, yet the Party ought to appear, *Dalt. 27.*

These Recognizances are to be ingrossed in Parchment, to which the Justice subscribes his Name, but the party that enters into it need not set his Hand or Seal.

The Condition may be on the back of the Recognizance, or subscribed underneath, or contained within the Recognizance, as before observed.

Then you must take a Note of the Recognizance in your Book of Recognizances thus,

A. B. de C. 10 l. ad comparand. ad prox. Session. Pacis & conservare versus C. D. &c.

E. F. de G. &c. } l. s. d.
 & } 5 00 00
 G. H. de K. &c. }

Or bound over for the suspicious stealing of a Mare (&c.) being the Goods of R. G. &c. (as the Case requires.)

Or if for an Alehouse thus,

	l.	s.	d.
A. B. de C. &c. Victualler,	10	00	00
D. E. de F. &c. Yeoman,	2	05	00
G. G. de I. &c. Yeoman,	3	00	00

Sub conditione quod præd. A. B. bene & fideliter observabit omnes & singulos Articulos in licencia sua pro stipulatione content.

Capt. & recogn. 10 die Augusti
 Anno Dni. 1706. coram nobis, &c.

Note, These Recognizances must be certified to the next Sessions or Gaol-delivery, to which the Justice doth or hath belong'd; that the Party so bound may be called, and if the party make default, the same to be then and there recorded, and the same Recognizance with the Record of that Default is to be sent and certified into the Chancery, the Queen's-Bench or into the Exchequer, 3 H. 7. cap. 1. 1 & 2 Ph. & Mar. cap. 13. 2 & 3 Ph. & Mar. cap. 10.

The Justice or Justices of the Peace, who took Sureties for the Peace or Good Behaviour, or some other, may if they see cause release the same. The Release to be written under the Recognizance thus,

Ego præfat. R. G. qui supranominat. C. D. de E. ad securitatem pacis inveniend. ex mea discretionem compuli eandem securitatem de se bene gerend. quantum in me est ex mea discretionem vicissimo quarto die Augusti Anno Domini 1706. remisi & relaxavi. In cujus rei Testimonium huic præfenti relaxationi mea sigillum meum apposui. Datam, &c.

If the party releases the Peace, then enter it thus, viz.

Memorandum, Quod primo die Septembris Anno Domini 1706. A. B. venit coram me C. D. Arm. un. Justic. (&c.) ad pacem (&c.) Et gratis remisit & relaxavit (quantum in se est) præd. securitatem pacis per ipsum versus supranominat. E. F. petit. In cujus rei testimonium ego præfat. C. D. huic præsentì relaxation. meæ sigillum meum apposui. Datum, &c.

Riot.

R IOT in our Common Law signifieth the forcible doing of an unlawful Act by three or more persons assembled together for that purpose.

And note, That there is Riot, Rout and Unlawful Assembly.

If three or more shall come or assemble themselves together, to the intent to do any unlawful Act with force or violence against the Person of another, his Possessions or Goods (although they after depart of their own accord without doing any) yet this is an unlawful Assembly.

If after their first Meeting they shall ride, go or move forwards towards the execution of any such Act, this is a Rout, and if they do execute any such thing indeed, then it is a Riot. See *Lamb. Eirenarcha, lib. 2. c. 5, &c.*

If any Riot, Rout or Unlawful Assembly be made, three or two Justices of the Peace at the least, and the Sheriff or Under-Sheriff shall Arrest the Offenders, and record that which they shall find done in their presence against the Law; and such Offenders shall be convicted by the Record in manner and form as is contained in the Statute of *Forcible Entries, 13 H. 4. cap. 7.* See before *Tit. Riot, 1 Part.*

(281) *The Proclamation for Suppressing an Unlawful Assembly.*

THE Queen our Sovereign Lady chargeth and commandeth all persons being assembled immediately to disperse themselves, and peaceably to depart to their Habitations, or to their lawful Business, upon the pains contained in the Act lately made against unlawful and rebellious Assemblies. God save the Queen.

(282) The Form of a Record of a Riot viewed by the Justices, &c.

2 H. 4.
cap. 7.
Crompt.
66.

Memorandum, Quod vicesimo die Augusti Anno Regni Dom: nostræ Annæ, Dei Gratia (&c.) nos A. B. Arm. & C. D. Arm. duo Just. dict. Dom. Reginae ad pacem in Com. præd (&c.) assign. & E F Miles adtunc Vic. ejusd. Com. ad gravem querimoniam & humilem petition. G H. de l. in dicto Com. Yeoman in propriis personis nostris accessimus ad domum mansional. ipsius G H. de l. præd. & adtunc & ibid. invenimus K L. de M. præd. Labourer, ac alios malefactores, pacis dict. Dom. Reginae perturbatores ignotos (ad numerum decem person.) modo guerrino arraiatos, viz. gladiis, pugionibus, galeis, loriceis, arcubus & sagittis, illicite & riotose aggregatos, ad eandem domum obsidentes multa mala in ipsum G. H. comminantes, in magnam pacis dict. Dom. Reginae perturbationem, ac populi sui terrorem, & contra formam Stat. in Parl. Dom. Hen. nuper Reginae Angliæ quartæ, Anno Regni sui decimo tertio tent. editi & provisi. Ac propterea nos præfat. A. B. & C. D. præd. K. L. tunc & ibid. arrestari, ac prox. Gaole dict. Dom. Reginae in Com. præd. duci fecimus, per visum & recordum nostrum de illicita Congregatione & Riato præd. convictos ibid. moratur. quousq; finem dict. Dom. Reg. proinde fecerint. In cujus rei Testimonium huic præfenti Recordo nostro sigilla nostra apposuimus. Dat. apud A. præd. die & anno primo supradictis.

Note, Each Man being able to travel shall help to repress Riots, upon pain of Imprisonment and Fine, 2 H. 5. c. 8. §. 2.

(283) A Mittimus to the Gaol of Rioters upon view.

To the Keeper of her Majesties Gaol, &c.

D. N. VV Hereas upon complaint made unto me by J. S. and R. T. in the said County, Gent. I did this present day go to M. &c. and there did find A. B. C. D. E. F. G. H. and others in a Riotous and Unlawful Assembly assembled at M. aforesaid, against the Peace of our Sovereign Lady the Queen, and against the form of the Statute in that behalf made and provided, I do therefore herewithal send you the Bodies of the said A. B. C. D. E. F. and G. H. convicted of the said Riot, Rout, and unlawful Assembly, by my own View, Testimony and Record, commanding you in her Majesties Name to receive them into the said Gaol, and them there safely to keep till they have paid their

their Fines to her said Majesty for their said Trespasses, and shall be thence delivered by due course of Law. Hercof fail not, (&c.) Given, &c.

Note, If the Offenders be departed before the coming of the Justices and Sheriff, they shall diligently enquire, and hold Sessions within a month after, upon pain of 100 l. 13 H. 4. cap. 7. and her Majesty shall bear their Costs sustained in the execution thereof.

(284) The Precept (to the Sheriff) to return a Jury for an Enquiry upon a Riot.

D. ff **T** P. Armig. & J. D. Armiger duo Just. &c. assign. Vic. 2 Justices, ejusdem Com. salutem. Ex parte dictæ Dom. Reginae 13 H. 4. c. 7. tibi præcipimus, quod venire facias coram nobis apud A. in Com. (to be en- præd. tertio die Maii prox. futur. 21 præbis, suffic. & legales ho- quir'd with- mines, de Com. præd. Yeoman, quorum quilibet habeat terras & te- in a month nementa infra dict. Com. liber. tenementi per Chartam ad annum after the valorem viginti solid. aut per copiam Rot. ad annum valorem vi- Riot.) ginti sex solid. & octo denar. aut per utramque, ultra omnes reprisas, 19 H. 7. ad inquirend. pro dict. Dom. Reg. ac pro iad. munitate nostra in hac cap. 13. parte super sa- rament. suum, de quibusdam illicitis a- gregationibus & Riotis apud A. in Com. præd. nuper commissis, ut dicitur. Quod- que retournes super quamlibet person. parte impannellat. in exitibus viginti solid. per ipsos fieri faciend. si non compareant ut Jurati sint ad inquirend. de præmissis ad diem illum Omnia que nulla- tenus omitt sub pena viginti librarum quam noveris se forasactur. eidem Domine Reginae si defalt. feceris in non return. personas præd. siue exit. in forma præd. Et habias ibi tunc nomina Jur. ill. Et hoc præceptum. Dat. sub sigillis nostris apud E. vicesimo octavo die Augusti Anno Regni dict. Domine Annæ Reginae Angliæ, &c. quinto.

(285) The Form of the Enquiry, Indictment or Presentment of the Jury.

Inquisitio pro Dom. Regina, &c. (as before in Forcible Entry) coram Thoma Pot Mil. & Johanne Drake Mil. duobus Just. &c. qui ad hoc jurati & onerati dicunt super sacrament. suum præd. quod A. B. C. D. & E. F. de G. in Com. præd. Laboureis, simul cum aliis malefactoribus & pacis dictæ Dom. Reginae perturbatoribus ignotis (ad numerum septem person.) modo guerrino armati i. vi & armis, v. z. bombardis, gladiis, arcubus & sagittis quarto die mensis Martii ult. præterito, apud H. in Com. præd. inter horas octavam & nonam post meridiem ejusdem diei, domum mansiona- lers

Item I. K. de L. præd. Yceman, situat. in M. præd. riotoſe freger. & intrav. & in ipſum I. M. tunc & ibid. inſultum fecerunt, ac ipſum tunc & ibid. verberaverunt, in magnam pacis diſt. Dom. Regina perturbationem & populi terrorem, ac contra formam Stat. de Riotis, Routis & Congregat. gentium illicitâ, in Parl. Dom. Hen nuper Reg. Angl. quartii, anno Regni ſuo decimo tercio tento, proviſi & editi.

If by ſuch Inquiſition the truth of the Riot cannot be found, then within a month next after they ſhall certifie before the Queen and her Council of the whole Fact and Circumſtances thereof, 13 H. 4. 7.

And if by reaſon of maintenance or embracery of Jurors, a Riot, &c. is not found, then they ſhall in the ſame certifie the Names of the Maintainers and Embracers with their Miſdemeanors, upon pain to forfeit 20 l. and Impriſonment, at the diſcretion of the Juſtices, 19 H. 7. 13 Such Certificate may be done in Engliſh by way of a Letter comprehending the truth of the whole Matter, with the certainty of the Time, Place, and other Circumſtances of the Fact or Riot, together with the certainty of the Names of the Rioters, &c. which Certificate or Letter is to be directed and ſent by the ſaid Juſtices of the Peace and Sheriff or Under-Sheriff into the *Queen's-Bench*, &c. within one month. See *antea Tit. Riot*, 1 part.

Note alſo, That if the Offenders ſhall traverse the Matter ſo certified, the ſame Certificate and Traverse ſhall be ſent into the *Queen's-Bench* to be tried, 13 H. 4. 7.

(286) A Traverse to an Indictment of a Riot, and the Record thereupon.

Alias ſcil. ad Selliſſionem Pacis tentam apud Caſtrum Exon. in Com. præd. die Martis prox. ante Feſtum S. Matthæi Apoſtoli; Anno Regni Domine Annæ, Dei Gratia Angliæ, Scotiæ, Franciæ & Hiberniæ Regina Fidei deſenſoris, &c. coram A. B. C D. & aliis ſociis ſuis Juſticiar. diſt. Dom. Reg. ad pacem in Comitatu præd. conſervand. nec non ad diverſ. felon. tranſgr. & alia malefacta in eodem Com. perpetrata audiend. & terminand. assign. per ſacramentum duodecim Jurator. eritit præſentatum, quod E. F. de, &c. G. H. de, &c. & J. K. de, &c. cum diverſis aliis ignotis malefact. & pacis diſt. Dom. Regina perturbator. mod. guerrino arraiat. uniti & aſſemblati, ſecundo die Martij in nocte ejusdem diei, anno, &c. Vi & armis, tam invaſivis quam deſenſivis apud L. &c. riotoſe fregerunt & intraverunt, & octo pluſtra feni ad valent. &c. adzune & ibidem exiſten. de bonis & catallis diſti M. atunc & ibidem

ibidem injuste & illicite ceperunt & asportaver. contra pacem dict. Dom. Reg. &c. & contra formam Stat. inde editi & promissi; per quod precept. fuit Vic. Com. præd. quod non omitteret, &c. Posteaque, scilicet præd. die Martis prox. ante Festum S. Matthæi Apostoli, Anno 5 supradicto coram præfat. Justic. venerunt præd. E. F. G. H. & J. K. in propriis personis suis, & habit. audit. indict. præd. separal. dicunt quod ipsi non sunt inde culp. & de hoc ponunt se super patriam, & N. O. qui pro Dom. Reg. in hac parte seq. similiter, &c. Ideo veniat inde Jurata coram Just. dict. Domina Regina ad pacem in Com. præd. conservand. assign. &c. ad Sessionem Pacis apud P. &c. die Martis prox. post Epiphaniam Dom. tunc prox. futur. tenend. & qui, &c. ad recogn. &c. quia tam, &c. Idem dies datus est tam præfat. N. O. qui sequitur, &c. quam præfat. E. F. G. H. & J. K. ad quas quidem Sessiones tent. apud L. præd. in Com. præd. die, &c. coram dict. A. B. C. D. & P. Q. milit. & sociis suis Just. dict. Dom. Reg. ad pacem in Com. præd. conserv. nec non ad divers. felon. transgr. & alia malefacta in eodem Com. perpetrata audiend. & terminand. assignat. venerunt tam præfat. N. O. qui sequ. &c. quam præfat. E. F. G. H. & J. K. in propriis personis suis, & Jurator. præd. per vicecom. com. præd. ad hoc impanellati & exacti, viz. R. S. T. V. &c. similiter venerunt; qui ad veritatem de præmiss. dicendam triati & jurati, dicunt super Sacramentum suum quod præd. E. F. G. H. & J. K. culpabiles sunt, & eorum quilibet culpabilis est de transgr. contemptu & rioto præd. in indictmento præd. superius specificatis, modo & forma prout superius versus eos supponitur Ideo consid. est per Curiam quod præd. E. F. G. H. & J. K. capiantur ad satisfaciend. dict. Dom. Reg. de finibus suis occasione Transgr. Contemptus & Riot. præd. qui quidem E. F. G. H. & J. K. adtunc & ibid. præsent. in cur. petierunt se ad finem cum dict. Dom. Reg. occasione præd. admitti Et inde pon. se separatim in misericordia Dom. Regin. assessetur finis ejusdem E. F. per Just. præd. ad tres libr. sex solid. et finis ejusdem G. H. assessetur ad viginti solid. Et assessetur finis ejusdem J. K. ad quinque libr. bonæ et legalis monetæ Angliæ ad opus et usum dict. Dom. Reg. &c.

Rioters attainted of great and heinous Riots shall have one Years Imprisonment, as the Queen and her Council shall think good, 2 H. 5. 8.

Scavenger.

Scavenger.

(287.) A Warrant upon not paying the Scavenger's Rates.

To the Constables, &c.

Midd. ss. **T**Hese are (in her Majesties Name) to will and require you immediately upon sight hereof to summon the Parties hereafter named, *E. F. G. H. J. K. &c.* personally to appear before us on *Tuesday* next, being the 18th Day of *April*, by nine of the Clock in the Forenoon, at, &c. then and there to shew cause why they refuse to pay their Rates to the Scavengers for cleansing of the Parish of *C.* in the said County; and if they or any of them shall refuse to appear upon this our Summons, that then you bring such Parties before us at the time and place aforesaid, to find Sureties for their Good Behaviour and Personal Appearance at the next General QuarterSessions of the Peace for the said County of *M.* to answer the said Crime. Hereof fail not. Given under our Hands this, &c.

See the first Part, *Tit. Highways* and *Tit. Scavengers.*

Servants. See *Tit. Apprentices.*

Silk Throsters.

(288.) *An Order for the payment of Monies to a Silk Throster, by his Workmen who imbeziled his Silk.*

Devon ss. **W**HEREAS upon the complaint of *C. D.* of *E.* Silk Throster, made, that he having delivered to *G. H.* of *K.* Silk-winder [or Doubler, or Journy-man] seven pounds of Silk to be by him Silk-winded [or Silk-doubled] for the said *C. D.* and the aforesaid *G. H.* hath unjustly, deceitfully and falsly purloined, imbibed, pawned, sold, or (as the case is) detained five pounds of Silk, parcel thereof, which complaint upon my Examination of the same (according to the form of the Statute in that case made) hath been made apparent unto me to be true, I have thereupon determined the Offence aforesaid, and do hereby order and appoint that the said *G. H.* shall give and pay to the said *C. D.* the Sum of 20 *s.* for his Damages, Losses and Charges thereabouts, within seven Days now next ensuing. Given under my Hand and Seal, &c.

(289. Against

(289.) Against an Offender for not obeying the
the Order before mentioned.

To the Constables and Bursholders of the Hundred of, &c.

Devon. ss. **W** Hereas upon the complaint of C. D. of E. Silk, ^{13 & 14}
Throster, to me made, That he having deli- ^{Car. 2.}
vered to G. H. Silk-winder [or Doubler, or Journy-man] ^{cap. 15.}
seven pounds of Silk, to be by him Silkwinded (or Silk-
doubled) for the said C. D. and that the aforesaid G. H.
had unjustly, deceitfully and falsly purloined, imbibed,
pawned, sold, or (as the case is) detained five pounds of
Silk, parcel thereof, which complaint upon my Examina-
tion of the same (according to the form of the Statute in
that behalf made) was made appear unto me to be true;
and I did thereupon determine the Offence aforesaid, and
did by Warrant under my Hand and Seal order and appoint,
that the said G. H. should give and pay to the said C. D.
for his Damage, Loss and Charges thereabouts 20 s. with-
in seven Days next ensuing. And forasmuch as the said G.
H. did not within the said seven Days, nor at any time
since make such recompence or satisfaction to the said C. D.
as was by me as aforesaid ordered and appointed, although
he had convenient notice so to do. These are therefore
(in her Majesties Name) to will and require you, that
you, some or one of you do apprehend and whip the said
G. H. or set him in the Stocks, in the place where the same
Offence was committed, or in some Market in this County,
near unto the place aforesaid. Given under my Hand, &c.

*Note, By 20 Car. 2. cap. 6. To be committed to Prison
till satisfaction given.*

The like Warrant against the Receiver, Buyer or Taker
to Pawn.

Soldiers.

(290.) A Warrant to warn in a Muster at a
certain Day.

To the Constables and Bursholders of, &c.

^{13 & 14}
^{Car. 2.}

Devon. ss. **B**Y command from the Right Honourable W. ^{cap. 3.}
Earl of B. (Lord Lieutenant of the said ^{15 Car. 2.}
County,) I require you to warn all the Persons mentioned ^{cap. 4.}
in

in a List hereunto annexed to appear complealy armed and furnished with Coats (according to former Orders) at *K.* near *L.* upon *Tuesday* the ninth Day of *May* instant, at eleven a Clock in the Forenoon of the same Day (at farthest) and every of them is to bring with him four Days pay, and the Muster-Masters Sallary. The Musquetier to bring with him one pound of Powder, and Match and Bullets proportionable, then and there to receive further Orders. And you the said Constable to be then and there present to make appear what you have done in execution hereof, of what is here commanded: No Person concerned herein is to fail at his peril. Given under my Hand, &c.

(191.) A Warrant to the High Constable to summon a Foot Company.

To R. H. one of the High Constables of the Hundred of C. &c.

13 & 14. *Devon. ss.* **W** Hereas the Persons in a List hereunto annex-
 Car. 2. ed are charged to the finding of Foot Arms,
 cap. 3. as at their Names appears, according to the Statutes in that case made and provided. These are therefore to will and require you, that you give notice to the said Persons, that they provide and appear with their said Arms, or an able Man to bear the same, at, &c. in the said County upon *Tuesday* the ninth Day of *June* next ensuing, by eight of the Clock in the Morning. Hereof fail not. Given under our Hands and Seals this, &c.

(192.) The Constables Summons for providing a Horse.

To Mr. C. D. of, &c.

BY virtue of a Warrant to be directed, from Sir J. K. Knight. This is to summon and warn Mr. L. M. and Mr. N. O. to send a Horse well fitted to the Sign of the *Kings-Head* in *W.* in the County aforesaid, on *Tuesday* the 12th of *May*, between seven and nine of the Clock in the Morning with Back, Breast and Pot, and that they bring with them a quarter of a pound of Powder, and two Days pay for himself, and one shilling for the Muster-Master. Dated 11 *May*, &c.

Warned by me T. S. Constable.

(293.) *A Certificate for a Trained Soldier.*

THese are to certifie you, That C. D. the Bearer hereof is a Trained Soldier of the Borough of N. for her Majesties Service appointed under my Command, and therefore not otherwise to be charged or molested, as you will answer the contrary at your perils. Given under my Hand at, &c.

(294.) *A Certificate for an Indigent Officer.*

THese are to certifie whom it may concern, That Lieutenant Colonel S. W. is certified by the Commissioners a Man fitly qualified to receive his Dividend of the Sum of 40000 *l.* and the Office-Money given to the Loyal Indigent Officers, and received a Warrant from the Right Honourable Commissioners appointed by Act of Parliament to the Treasurer to pay him the said Lieutenant Colonel S. W. his share and proportion of the 40000 *l.* and Office-Money, being 20 *l.* which is entred into the Book of Warrants, and not paid by reason of great Losses by insolvent Collectors, and other Money that came but lately into the Treasury, out of which he is to be paid this. At the request of the said Lieutenant Colonel J. H. I do certifie this, &c. Day of, &c.

(295.) *To order an Allowance to a Poor Soldier, out of the Stock for Maimed Soldiers.*

To the Treasurer of the said County for Maimed Soldiers.

Devon. ss. **F**Orasmuch as E. F. Officer, [Soldier or Mariner, indigent, aged or disabled in Body for Work in the Service of his late Majesty, or her Majesty that now is, or under the late Wars, or so impoverished by his Sufferings under any of the late usurped Powers, as that he is desolate of any competent Subsistence or Livelihood,] hath according to the form of the Statute (in that behalf lately made) made appear unto us, that he hath continued faithful to his trust, and not deserted the same against his Majesty (King Charles the I. and King Charles the II. or her Majesty that now is, or otherwise, (and hath repaired to L. in the said County (being the place where he was last settled before he took up Arms,) We do therefore

43 El. c. 3.
13 & 14
Car. 2.
cap. 9.
2 Justices.

fore (according to the said Statute) assign, &c. for his Relief until the next Quarter Sessions to be holden for the County of D. which are hereby required to pay unto him. Given under our Hands and Seals, &c.

(296.) The like for Allowance to Wife or Orphan of a maimed Soldier.

To the Treasurer of the said County for maimed Soldiers.

13 & 14 *Devon. ss.* **F**Orasmuch as S. P. (Widow or Orphan) of J. Car. 2. M. [Officer, Soldier or Mariner, maimed, cap. 9. indigent, aged or disabled in Body for Work in the Service 2 justices of her Majesty] hath (according to the form of the Statute in that behalf lately made) made appear unto us, That J. H. late of K. continued faithful to his trust, and not deserted the same by taking up Arms against their said late Majesties King Charles the I. and King Charles the II. or her Majesty that now is, or otherwise. We do therefore according to the said Statute, adjudge that over and besides such Relief as she [or they] shall gain by her [or their] Work and Labour, and shall be allowed by the Charity and Benevolence of the Parish of L. where she [or they] is now settled. Given under our Hands and Seals, &c.

Note, By the 3 Car. 1. cap. 1. commonly called the Petition of Right, no Officer Military or Civil, or any other Person shall Quarter or Billet any Soldier upon any Inhabitant of this Realm without his consent, and every such Inhabitant may refuse to quarter any Soldier notwithstanding any Order whatsoever.

Swearing.

(297.) To pay 1 s. for Swearing in the presence of a Justice of the Peace.

To the Constables, &c. and to the Churchwardens and Overseers of the Poor of the Parish of H. &c.

21 Jac. 1. *Devon. ss.* **F**Orasmuch as C. D. of, &c. in the County a- cap 20 fore said, Weaver (being above the Age of 1 Justice Twelve years) did in my hearing this present Day (in the within 20 Parish aforesaid) prophanely Swear one Oath, for which days after Offence he forfeited, and was to pay (to the use of the the Offence Poor of the Parish) the Sum of 12 d. These are therefore by Confes- in her Majesties Name to command you to levy to the Use

Use of the Poor of the said Parish the aforesaid 12 d. by ^{son or two} Distress and Sale of the Goods of the said C. D. rendring ^{Witnesses.} to him the Overplus. And in defect of such Distress, that 6 & 7 W. 3 you the said Constable do set the said C. D. in the Stocks ^{cap. 11.} by the space of three whole Hours. Hereof fail not. Given under my Hand and Seal this, &c. Day of, &c.

Note, If he be under twelve Years of Age, to be whipped by the Constable or by the Parents or Master in the Justices presence.

(298.) A Warrant to levy Monies for prophane Swearing.

To the Constables and Borsholders of, &c.

Devon. ff. **F**Orasmuch as it was proved this present Day 21 Jac. 1. before me, That C. D. of, &c. did in the ^{cap. 20.} said Parish offend by prophane Swearing three Oaths, by reason whereof he hath forfeited to the Use of the Poor of the said Parish the Sum of, &c. that is to say, 3 s. 4 d. for every time he did so offend, according to the form of the Statute in that Case made and provided. These are therefore in her Majesties Name to command you, that you, some or one of you do forthwith levy the said Forfeiture of, &c. upon the Goods and Chattels of the said C. D. by Distress and Sale of the same, returning the Overplus. And that forthwith after your levying of the said Forfeiture of, &c. you pay the same to the Churchwardens and other Overseers of the Poor of the said Parish, or to some or one of them, to the use of the Poor aforesaid. And in Case no sufficient Distress shall be found, and that the said C. D. shall not pay the said Forfeiture, or give Security for the same, that then you do set him in the Stocks, there to remain the space of three whole Hours. And hereof fail not, &c.

(299.) A Certificate of Conviction for Swearing.

Devon. ff. **I** P. Q. Esquire, one of her Majesties Justices of the Peace for the said County, do hereby certify to the Clerk of the Peace of the County aforesaid, that the Persons whose Names are hereunto subscribed, were since the last Sessions convicted before me for Swearing three prophane Oaths a-piece. Given under my Hand and Seal, &c.

Superfedeas.

(300) *The Form of a Superfedeas by a Justice of Peace.*

W. B. Esquire, one of the Justices of the Peace of our Sovereign Lady the Queen's Majesty within the County of *Devon*, to the Sheriff, Bailiffs, Constables, and other the faithful Ministers of our Sovereign Lady, within the said County, and to every of them, sendeth Greeting. Forasmuch as *A B* of &c. Gardiner, hath personally come before me at *A &c.* and hath found sufficient Sureties, that is to say, *D. E.* and *F. G.* Yeomen, either of the which hath undertaken for the said *A. B.* under the pain of 20 *l.* and he the said *A. B.* hath undertaken for himself under the pain of 40 *l.* that he the said *A. B.* shall well and truly keep the Peace towards our Sovereign Lady, and all her Liege People, and especially towards *H. J.* of, &c. Yeoman, and also that he shall personally appear before the Justices of the Peace of our said Sovereign Lady at the next General Sessions of the Peace, to be holden for this City of *Exon*. Therefore on the behalf of our said Sovereign Lady, I command you and every of you, that you utterly forbear and surcease to arrest, take, imprison or otherwise by any means (for the said occasion) to molest the said *A. B.* and if you have, for the said occasion, and none other, taken or imprisoned him, that then you do cause him to be delivered and set at Liberty without farther delay. Given at *Exon*, aforesaid, under my Seal, this last day of *March*, &c.

(301) *A Superfedeas granted upon a Supplicavit.*

W. B. Armiger, uxus Justic. Dom. Regine nunc ad pacem in Com. præd. conservand. assignat. Vicecom. ejusdem Com. ac omnibus & singulis Ballivis, Constabular. ceterisque dictæ Dom. Regin. Ministris, tam infra Libertates quam extra in Com. præd. salutem, Sciatis quod breve dict. Dom. Regin. recepi in hæc verba. Anna, &c. [reciting here all the Writ verbatim] Et quia *A. B.* de, &c. *C. D.* de, &c. & præfat. *E. F.* coram me præsat. *W. B.* personaliter comparuer. & præd. *A. B.* & *C. D.* manuceper. pro dicto *E. F.* qui infra ætatem 21 ann. existit, viz. quilibet manucaptor præd in vigint. libr. quas recognover. se debere dict. Dom. Reg. ac concess. de terris & tenementis, bonis & catallis suis, ad opus dict. Dom. Regin. levand. viz. quod præd. *E. F.* dampnum vel ma-

lum aliquod alicui de populo dict. Dom. Regin. de corpore suo vel de incendio domorum suarum non faciet nec fieri procurabit quovis modo. Ideo ex parte dict. Dom. Regin. vobis & cuilibet vestrum mando quod de coartand. aut attachiand. dictum E. F. ad inveniend. securitatem pacis per ipsum gerend. erga dict. Dom. Reg. & cunctum populum suum, seu aliquem de eodem populo suo, coram vobis seu aliquo vestrum inveniend. supersed. fac. omnino, & si ipsam E. F. occasione præd. & non alia ceperitis seu capi mandaver. & in prisona ipsius Dom. Regin. sub custodia vestra detinueritis, tunc ipsum a prisona in qua detinetur sine delatione deliber. fac seu unus vestrum deliberari fac. Teste me præfat. W B, secundo die Martii anno Regni dict. Dom. Regin. quinto Annoq; Dom. 1706.

(302) Superfedeas de Capias indictatum de Transgressione.

T P. Armig. unus Justic. Dom. Regina nunc ad pacem in Com. præd. conservand. necnon ad diversa Felon. Transgr. &c. in eodem Com. audiend. & terminand. assign. Vic Com. præd. salutem. Quia A. B. de C. in Com. tuo Taylor, venit coram me, & invenit suffic. Manuceptores essendi coram Justic. dict. Dom. Reg. ad pacem in Com. præd. conservand. necnon ad diversa Felon. &c. in dicto Com. præd. prox. die tenend. ad respondend dict. Dom. Reg. de quibusdam transgr. contempt. & offensis unde indict. existit. Ideo ex parte dict. Dom. Regina tibi præcipio, quod de capiend. præfat. A. B. seu ipsam imprison. aut eum ex causa aliququaliter molest. omnino supersed. Et si eum ex causa illa & non alia ceperis tunc ipsum sine dilatione deliberari facias. Teste me, &c.

(303) Superfedeas de Capias pro fine.

W. B. Armig. unus Justic. Dom. Regina nunc ad pacem in Com. præd. conservand. assign. Vic. Com. præd. salutem. Quia A B. de C. in dicto Com. Yeoman, venit coram me & invenit suffic. manucept. essendi ad prox. general. Session. pacis in Com. præd. tenend. ad faciend. finem cum dicta Dom. Regina pro quibusdam transgr. contempt. & offensis, unde indictatus existis. Ideo tibi præcipio quod de capiend. præfat. A. B. imprisonand. seu ipsum ea occasione aliququaliter molestand. omnino supersed. Et habeas ibi tunc hoc præcipi. Teste me, &c.

(304) Superfedeas de Capias indictat. de Felonia.

W. B. Armig. unus Justic. Domine Regina nunc ad pacem in Com. præd. conservand. assign. Vic. Com. præd. necnon omnibus & singulis Ballivis, Constabular. cæterisque dictæ Dom. Reginae Ministris,

stris, tam infra Libertates quam extra, in dict. Com. salutem. Quia A. B. de C. in Com. præd. Yeoman, venit coram me, & in venit suffic. secur. essendi coram Justic. dictæ Domine Regine ad pacem in Com. præd. conservand. necnon ad diversa Felonias, Transgr. & alia Malefacta in eodem Com. audiend. & terminand. assign. ad prox. general. Sessionem pacis in Com. præd. ad respond. dict. Dom. Regin. de diversis Feloniis & Transgr. unde coram eis indictat. existit Idco ex parte dictæ Dom. Regin. vobis & cuilibet vestrum mando quod de capiend. præd. L. M. ea ex causa supersed. omnino, & si eum ea occasione, & non alia ceperitis seu imprisonaver. tunc ipsum sine dilatione delibere faciatis. Dat. &c.

Taxes, vide Assessors.

Testimonial.

(305) A Testimonial for such as have suffered Shipwreck.

A. C. in the County of Devon. Esquire, one of the Queen's Majesty's Justices of the Peace, To all, &c.

FOrasmuch as the Bearer hereof *C. D.* aged about, &c. having lately been at Sea, in a Ship called, &c. hath suffered Shipwreck, and got to Land at *E.* in the said County of Devon. upon the third day of December last past (as I am credibly informed, as well by the Report of the said *C. D.* as also by the Testimony of divers the Inhabitants of *E.* aforesaid) and for that the said *C. D.* hath not wherewithal to relieve himself in his Travel homewards to *E.* where he saith he was born, or hath a Dwelling, &c. These are therefore to pray you, and every of you to whom these Presents shall come, not to molest or trouble the said *C. D.* in his Travel to *E.* aforesaid, where he is limited to be within twenty days next after the Date hereof, but to desire you rather to relieve him in his necessities. as to you shall seem meet, and withal, you the Constable of every Town, where he shall come to help him with Lodging in convenient time, so that he travelleth the direct way to *E.* aforesaid, not doing any thing contrary to the Laws and Statutes of this Realm. In witness whereof, &c.

Tile Searchers.

(306) *A Deputation for Tile-Searchers.*

Devon. ss. **W**E whose Names are hereunto written her 17 Ed. 4. 4.
 Majesties Justices of the Peace of the said cap. 4.
 County, do according to the form of the Statute in that 2 Justices.
 behalf made in the 17th Year of the Reign of the late King
Edward the Fourth, ordain, assign and depute C. D. and E. F.
 and either of them, during our Wills and Pleasures, to search
 and examine the digging, casting, turning and ordering of
 Earth for all plain-Tile, Roof-Tile, Corner-Tile and Gut-
 ter-Tile to be made within the Division of the five Hun-
 dreds in the County aforesaid, and to search and examine
 all the Tiles aforesaid, that the same be good, reasonable and
 very sufficient, and thoroughly whited and anealed, and do
 contain such Length, Breadth, Thickness and Deepness as
 by the said Act is required, and generally to do and perform
 all such other things as to the Office of Searchers do by
 virtue of the said Act appertain, and to receive and have
 such Fees and Salaries for their and either of their Labour
 in the Premises, as by the said Act is appointed. Given
 under our Hands and Seals, &c.

Note, To pay the Searchers for every 1000 of plain-Tiles
 1 d. every 100 of Roof-Tiles 6d. and for every 100 of Corner
 or Gutter-Tiles 7.

Treason.

(307) *A Warrant to Search for and Apprehend
 Persons suspected of Treason.*

To the Constables, &c.

Devon. ss. **V**Hereas E. F. and G. H. are voluntarily 25 Ed. 3.
 suspected to have committed Treason, cap. 2.
 whereof I have received Information, These are therefore in 1 Ed. 6.
 her Majesties Name straitly to charge and command you cap. 12.
 and every of you, upon sight hereof, without any delay, to
 make diligent search for the Bodies of the said E. F. and G. H.
 and them or either of them so found, to attach and arrest,

and immediately upon such Arrest to bring before me at my House at L. in the said County, whereof you are not to fail at your peril. Given under, &c.

Note, When any of the said Traitors shall be brought before the Justice, he must take the Examination of them in Writing (but not upon Oath) upon all Circumstances whereof he shall receive Information from the Accusers, and upon such other Circumstances as he in his own discretion shall think fit for the discovery of such Treason.

(308) *The Form of the Examination may be such.*

THE Examination of C. D. &c. taken before me T. S. Esq; one of her Majesties Justices of the Peace for the County of D. the fourth day of May in the fifth Year of the Reign of our Sovereign Lady Anne, by the Grace of God of England, Scotland, France and Ireland, Queen, Defender of the Faith, &c. *Annoque Domini 1706.*

The said Examinant being duly examined, saith, *That,* &c. And so set down every particular Answer that the Prisoner shall make to the Questions that shall be demanded of him.

This being done the Justices of Peace must take the Examination of the Accusers, and such others as can give Evidence material against the Prisoner, and their Examinations must be taken in Writing severally, and that upon Oath.

The Form whereof may be thus :

THE Examination of C. D. of, &c. taken upon Oath before me T. S. Esq; one of her Majesties Justices, &c. the fourth day of May, in the fifth Year of the Reign of our Sovereign Lady Anne, &c. This Examinant being this Day examined upon Oath before me, saith, *That,* &c. And set down at large all the material Circumstances that he shall declare to prove the Treason. &c.

This being done the Justice must make a *Mittimus* to convey the Prisoner to the Gaol.

(309) *A Mittimus to the Gaol.*

To the Keeper, &c.

I Send you herewith the Body of C. D. brought before me this present day and charged with Treason. These are therefore in her Majesties Name to command you that immediately

diately upon fight hereof you receive the said C. D. into your Custody, and him safely keep in your said Gaol until he shall be thence delivered by due Order of Law. Hereof fail not at your perils. Given under, &c.

This being done, the Justice of Peace must take a several Recognizance of every one of the Accusers, and of every one that can give Evidence against the Prisoner.

Trespafs.

(310) A Warrant upon Hedge-breaking, &c.
where the Party is not able.

To the Churchwardens, &c.

Devon. ss. **F**Orasmuch as it was this present day duly proved before me, that C. D. hath unlawfully
(a) [as the Case is] of E. F. at K. contrary to the Form of the Statute in that Case made and provided. And forasmuch as upon hearing and determining of the said Matter, I have ordered and appointed, that the said C. D. should forthwith give and pay unto the said E. F. the Sum of, &c. of lawful Money of England in and for Recompence and Satisfaction for his Damages which he hath sustained by occasion of the Trespafs aforesaid. And forasmuch as the said C. D. is thought in my discretion not able nor sufficient to make such Recompence or Satisfaction, as aforesaid. These are therefore in her Majesties Name to command you, that you, some or one of you, do whip the said C. D. for the Offence aforesaid. Hereof fail not at your Perils. Given under my Hand and Seal, &c.

43 Eliz. cap. 7.
15 Car. 2. cap. 2.
1 Justice where the Offence is committed or the Party apprehended. Confession or one Witness.
Justice not to act herein in his own Case.

(a) Cut or taken away Corn or Grain of E. F. growing at, &c.
Robbed Orchard or Garden.

Break, cut Hedge, Pale, Rale, Fence.

Dig pull up, take up Fruit-tree in Orchard, Garden or elsewhere, to the intent to take and carry away the same.

Cut, spoil Woods, Underwoods, Poles, Trees standing.

Not being Felony.

The Procurer or Receiver knowing the same.

(311) A Warrant or Order to pay where the Party is able.

To the Constable, &c.

43 Eliz. *Devon. ff.* **F**Orasmuch as it was this present day duly proved before me, That C. D. hath unlawfully
 cap. 7. 15 Car. 2. (a) [as the Case is] of E. F. at K. (contrary to the form of
 cap. 2. the Statute made and provided) now upon hearing and de-
 1 Justice. termining of the said Matter, I do order and appoint, that
 (a) As be- the said C. D. shall within fourteen days now next ensuing,
 fore. give and pay unto the said E. F. the Sum of, &c. of lawful
 Money of England in and for Recompence and Satisfaction for
 his Damages which he hath sustained by occasion of the Tres-
 pafs aforesaid. Given under my Hand and Seal, &c.

If not paid, then say,

And forasmuch as it doth now sufficiently appear unto me, That the said C. D. hath not hitherto given or paid unto the said E. F. the aforesaid Sum of, &c. according to my said Order and Appointment. These are therefore in her Majesties Name to command you, that you, some or one of you, do whip the said C. D. for the Offence aforesaid. Hereof fail not at your perils. Given, &c.

The Constable. or other inferiour Officers, must whip Hedge-breakers, Robbers of Orchards and Gardens, Cutters of Corn and Wood that be for that purpose committed to them, &c. *Lamb. Const. 51. 43 Eliz. cap. 7.*

(312) A Warrant from the Justices at the Quarter-Sessions for apprehending one indicted for a Trespass, &c.

To all Constables, and all other her Majesties Officers and Ministers within the County of D. and to every of them, whom it may concern.

D. ff. **T**Hese are to will and require you, and in her Majesties Name straitly to charge and command you forthwith upon receipt hereof to bring before us, and other her Majesties Justices of the Peace of this County to the Sessions of Peace holden for the County of D. at M in the said County, the Body of C. B. &c. standing indicted for a Tres-
 pass

pass (if the Court be then sitting) or if not, before some other of her Majesties Justices of the Peace for the said County, then and there to answer the same, and all such Matters as on her Majesties behalf shall be objected against him, and if he cannot be taken during this present Sessions, that then so soon after as he shall be taken, you bring, or cause to be brought before us, or some other of her Majesties Justices of the Peace of this County, to find sufficient Sureties for his personal appearance at the next Sessions of the Peace to be holden for the said County to answer, as aforesaid, and farther to be dealt withal according to Justice. Hereof you are not to fail at your perils. Dated in open Sessions at M. aforesaid the 10th day of April, 1706.

Rogues, Vagabonds, &c.

(313) A Warrant for a General Search for Rogues.

To the Constable, &c.

D. ff. **T**Hese are in her Majesties Name to charge and com-*The Justices*
mand you, that you together with the Petty *of the Di-*
Constables of the several Towns, Parishes and Hamlets with-*vision or*
in your Hundred taking a sufficient Assistance out of the *the more*
said Towns, Parishes and Hamlets upon *Tuesday* at Night *part of*
next coming, for the finding out and apprehending of all *them four*
Rogues, Vagabonds and wandring and idle persons in or *or five days*
about your said several Towns, Parishes or Hamlets; And *before their*
that such as shall be found and apprehended, you do cause *meeting.*
them to be brought before us the next day unto *A.* by eight *7 Jac. 7.*
of the Clock, there to be by us dealt withal according to
the late Statute in that behalf provided. At which time *Note, The*
and place we farther require you, together with the said *Constable*
Petty Constables to appear before us, and there to give an *neglecting*
Account and Reckoning upon your Oath in Writing, and *his Duty*
under the Hands of the Minister of every several Parish *accordingly*
within your Hundred, what Rogues, Vagabonds, wandring *to be fined*
and disorderly Persons, have been there apprehended, as *not exceed-*
well in the same Search, as also since the last Assembly and *ing 40 s.*
Meeting that was made for this purpose being upon or about
the third day of *March* last past. And hereof fail you not, &c.
Given, &c.

(314) A Warrant for apprehending and committing a dangerous Rogue.

To the Constable, &c. and to the Keeper of, &c.

One Justice Devon. *ff* **F**Orasmuch as *J. S.* a wandering dangerous Rogue may apprehend, punish and pass; but *2 justices,* according to the Form of the Statute in that Case made and *1 Quorum,* sembly at *E.* in the County aforesaid. We do therefore in *to commit* her Majesties Name command you the Constable and Bursholders, that you, some or one of you, do at the Charge of *a dangerous Rogue.* the said Hundred convey the said *J. S.* to the aforesaid House *39 Eliz. 4.* of Correction, and there deliver him to the said Keeper of *1 Jac. 1. 7.* the same, together with this Precept, commanding also you the said Keeper to receive him into the said House, and there to set him to work and labour, and otherwise to deal with him according to Law, until he shall be from thence lawfully delivered. Hereof fail not at your perils. Given under our Hands and Seals at *E.* aforesaid, the 30th day of *August,* 1706.

(315) Another *Mittimus* for a dangerous Rogue.*To the Constable, &c. and to the Keeper, &c.*

39 Eliz. cap. 4. *1 Jac. 1. 7.* *2 Justices,* *1 Quorum.* *Devon. ff* **F**Orasmuch as *A. B.* an idle and disorderly Vagabond, that will not be reformed of his Roguish kind of Life, is dangerous to her Majesties Subjects. We do therefore in her Majesties Name charge and command you the said Constable and Bursholders, that you, some or one of you, do safely convey the said *A. B.* to the Gaol aforesaid, and there deliver him to the said Keeper of the same, together with this Precept, commanding also you the said Keeper to receive him into the said Gaol, and him there safely to keep until the next Quarter Sessions of the Peace to be holden for the said County at *E.* aforesaid, that he may then and there be farther dealt withal according to Law. Hereof fail not at your perils. Given, &c.

Note, The Justices in Sessions may brand a dangerous Rogue with an hot Iron on the Shoulder. If he offend again, to suffer as Felon without Clergy.

(316.) A Warrant to search for and apprehend Rogues.

To the Constables of A. B. and C. and to all other her Majesty's Officers there or elsewhere within this whole County, and every of them whom it shall concern.

Devon. ss. **F**Orasmuch as we are credibly informed, That *The Justices* divers small Felonies, Larcenies, Pilfrays and *of the Dis-* such like Offences are many times done and committed *vision, &c.* by divers lewd and evil disposed Persons, and that before *7 Jac. 4.* the Parishes grieved can conveniently procure a Warrant *§. 5.* from any Justice of Peace to search for their Goods so lost, the Offenders usually convey the said Goods so by them stoln and pilfered to such obscure places and By-corners, that oftentimes there cannot any thing be found against them for their Conviction, to the further Encouragement of such Offenders to continue in their evil Practices and Misdemeanours, to the great Damage and Disquiet of all her Majesties Subjects. For remedy whereof and for the taking all such lewd Persons, and bringing them to condigna Punishment, These are in her Majesties Name strictly to charge and command you, and every of you, that all Excuses and Delays set apart, at all times and seasons whatsoever, when and as often as any Person or Persons whatsoever shall resort unto you with this our Precept, by virtue thereof you make diligent search in the most suspicious places within your, any or either of your Limits, Liberties or Precincts for such Goods according as you shall have Notice from the Bringer or Bringers hereof. And if upon your said Search you shall chance to find any of the same Goods, or have any vehement suspicion by Circumstance or otherwise of any Person or Persons to have stoln the same, that then you forthwith bring them and every of them before us or any other her Majesties Justices of the Peace of this said County to be examined touching the same, and to be dealt withal therein according to the Law in that Case provided. And hereof fail you not as you will answer the contrary at your, any or either of your perils, by or through whose neglect the Execution hereof shall be hindred or not executed according to the tenour hereof. This our Precept or Warrant Dormant to continue in full force one compleat year next ensuing the Date hereof, and no longer. Given, &c.

Another

(317.) Another Warrant for apprehending Vagrants, Rogues, Vagabonds, &c. in the County of *Middlesex*.

To the Constables, &c. and other her Majesties Officers of any of the Parishes in the said County, and to all others whom it doth or may concern.

The Justices Midd. ss. **F**Orasmuch as that the Suburbs of *London* and of the *Di-* places adjacent are now infested with many *vision, &c.* Rogues, Vagabonds and sturdy Beggars, and other idle Persons of evil Life and Conversation to the Danger of the *7 Jac. 4.* Inhabitants, and contrary to the Laws and Statutes of this Realm. These are therefore in her Majesties Name strictly to charge and command you, and every of you, that at all convenient times hereafter taking with you sufficient Aid and Assistance you make diligent search in the several places aforesaid, and in all other suspected places within any the Parishes in the said County for all such Rogues, Vagabonds and sturdy Beggars, and other suspected and idle Persons, and them to apprehend and bring before us, or one of us, to be examined and dealt with according to Law. Hereof fail not, &c. Given, &c.

(318.) *A Pass for a Vagabond, taken in a privy Search, and sent to the place of his Birth after he has had Correction.*

7 Jac. 1. Midd. ss. **V**Hereas *A. B.* a lusty idle Vagrant, aged *cap. 4.* about five and twenty Years was found and apprehended at *C.* in the said County in a general privy *provides* Search by our command made. according to the form of *for a gene-* the Statute in that Case made and provided, and brought *ral search,* before us this present day at our Assembly at *V.* and by our *but by 39* appointment punished according to Law. He is therefore *El. cap. 4.* to be conveyed from Parish to Parish by the Officers of *Justice* every of the same the next streight Way to the Parish of *may cause* *S.* where he saith he was born, there to put himself to labour (as a true Subject ought to do) and he is limited to *Rogues,* pass thither within six Days now next ensuing, at his *&c. to be* apprehended *ad, punished* peril. Given, &c. *and passed.*

Note, The Statute appoints that the Offender shall be stripped naked from the Middle upwards, and be openly whipt,

whipt, until his Body be Bloody, &c. 39 Eliz. 4. The Pass must be signed by the Justice, Minister and Constable, &c. where he was whipt, or any two of them. And the Minister is to register the Testimonial or Pass upon the penalty of 5 s.

(319.) *A Pass by one Justice to the Place of Birth.*

J. S. a Vagrant of middle Stature aged about twenty 39 Eliz. Years was this present Day taken begging and misordering himself, &c. at R. in the said County, and then and there by my appointment punished according to the form of the Statute in that Case provided, and he is to be conveyed from Parish to Parish, &c. [as before to the place of his Birth.] cap. 4.

Note, If the Offender exceed the time limited by the Pass, he shall from time to time receive the like punishment.

(320.) *Another, where the place of Birth is not known, to the place of last abode.*

J. S. &c. [as before provided.] And for that the Parish 39 Eliz. where he was born is not known, though it be demanded of him. And for that also he did last dwell before the said punishment by the space of one whole year in the Parish of G. (as he confesseth,) He is therefore to be conveyed from Parish to Parish by the Officers of every of the same the next streight Way to the said Parish of G. there to put himself to Labour, as he ought to do, and he is limited. &c. cap. 4. One whole Year.

(321.) *Another, where neither place of Birth nor last Abode is known.*

Dff. J. S. &c. [as before provided.] And for that neither the Parish where he was born, nor the Parish where he did last dwell before the said Punishment by the space of one whole Year, is known, though both were by me demanded of him. He is therefore to be conveyed from Parish to Parish by the Officers of every of the same the next streight Way for the Parish of E. in this County. through which he last passed without Punishment, as he saith, and he is to be from thence conveyed by the Officers of the said Parish, according to the Form of the Statute in that

that Case made and provided; and is limited to pass thither within four Days next ensuing at his peril. Given, &c.

Note, Such as shall not apprehend Rogues and sturdy Beggars begging at their Doors, and carry them to the next Constable or Tything-man, forfeit 10 s. 1 Jac. 1. cap. 7. § 6.

(322.) A Warrant to levy 10 s. on such as neglect to apprehend Vagabonds, sturdy Beggars.

To the Constable, &c.

39 Eliz. *Devon. ss.* **F**Orasmuch as it hath been duly proved before us, cap. 4. That on the 30th Day of this Instant *August*,
1 Jac. 1. 7. an unknown wandering sturdy Beggar-man was begging at
2 Justices, the House Door of J. S. an Inhabitant in your Parish of T.
1 Quor. and that the said J. S. did then neglect to apprehend the said
2 Witnesses Beggar and carry him to the next Constable, but suffered
him to go away unapprehended, though he might have easily taken him, as by the Statute in that Case provided he ought to have done, whereby he hath forfeited to the use of the Poor of the said Parish of T. the Sum of 10 s. These are therefore in her Majesties Name to will and require you to levy the same 10 s. by Distress and Sale of the Goods of the said J. S. rendring to him the Overplus if any such shall remain. Given, &c.

Note, If the Constable, do not cause the said sturdy Beggars, &c. to be punished and passed, he forfeits 20 s. for every default.

(323.) A Warrant to levy 20 s. on the Constable for not punishing a Rogue, &c.

To the High Constable, &c.

1 Jac. c. 7. *Devon. ss.* **F**Orasmuch as it hath been duly proved before
§. 7. us, That A. V. the Constable of W hath been negligent in his Office in the correcting and conveying of Rogues, Vagrants and sturdy Beggars; and that upon the 30th Day of *August* last past one J. S. a Vagabond and sturdy Beggar was taken begging in W. aforesaid, and brought and offered to him the said A. V. to be punished, who did not correct and pass him as by the Statute in that Case made he ought to have done, but willingly suffered him to escape unpunished, whereby he hath forfeited 20 s. to the use

use of the Poor of the said Parish of *W.* These are therefore in her Majesties Name to will and require you to levy the same by Distress and Sale of the Goods of the said *A. V.* rendring to him the Overplus, if any such be. Given under, &c.

(324.) A Warrant to levy 5 s. on the Minister for not keeping a Register Book.

To the Constables, &c. of G.

Devon. ss. **F**Orasmuch as it being duly proved before us, ^{39 Eliz.} That *J. B.* the Minister of your Parish of *G.* ^{cap. 4.} doth not keep a Register-Book there according to the form ^{2 Justices.} of the Statute in that Case provided, to record the Correction and Pass of Rogues, by which he hath forfeited 5 s. to the use of the Poor. These are therefore in her Majesties Name to require you to levy the same 5 s. of the Goods of the said *J. B.* by Distress and Sale thereof, and to pay the same so by you levied to the Overseers of the Poor of your Parish, to be employed to the use of the Poor of your Parish there.

Note, Such as disturb or hinder the Execution of this Act shall forfeit 5 l. and be bound to the Good Behaviour.

(325.) A Warrant to levy 5 l. for disturbing the Execution of the Statute.

To the, &c.

Devon. ss. **F**Orasmuch as it hath been duly proved before ^{29 Eliz.} us, that *J. S.* of *R.* Yeoman, did disturb and ^{cap. 4.} hinder the punishing and conveying of *A. B.* a Vagabond ^{1 Jac. 1. 7.} and sturdy Beggar taken into Custody by *C. D.* of *E.* Borthol- ^{2 Justices,} der, so that he did escape without the punishment as by the ^{1 Quor.} Statute in that Case is provided, by the which he the said ^{2 Witnesses} *J. S.* hath forfeited 5 l. to the use of the Poor. These are therefore in her Majesties Name to will and require you to levy the same 5 l. by Sale of the Goods and Chattels of the said *J. S.* rendring to him the Overplus, if any be; and that you require him the said *J. S.* to bring Sureties for his Good Behaviour. Given, &c.

Note, The Statute of 13 & 14 Car. 2. cap. 12. gave Liberty to a Justice to reward such persons as apprehended Rogues,

Rogues, &c. and brought them before him by Warrant to the Constable, &c. of the place through which the Rogue did pass unapprehended, ordering him to give such person 2 s. on pain of being proceeded against according to the Statutes of 39 Eliz. and 1 Jac. c. 7. also to such persons as apprehended Vagabonds, &c. at the Confines of a County which passed through any Parish in another County unapprehended, the Justice of that County through which they passed unapprehended might make Certificate thereof and grant Warrant to the Constables to pay such person or persons as apprehended him or them 10 s. which the Constable had forfeited by 39 Eliz. This Statute of 13 & 14 Car. 2. cap. 12. (except what concerned the Corporations of Work-houses within the Weekly Bills of Mortality) was but to continue the next Session. Yet 19 May, 1 Jac. c. 2. It was revived for seven Years, and to the end of the next Session. *Quere*, If it be in force.

Waggon and Cart.

(326.) A Warrant to levy 40 s. for travelling with a Waggon or Cart with six Horses at length.

To the Constables, &c. of the Parish of L.

22 Car. 2. *Devon. ff.* **V** Hereas J. S. of the Parish of, &c. in the County of, &c. Yeoman, hath this present first day of September made Oath before me, one of her Majesties Justices of the Peace for the County aforesaid, that A. B. of, &c. did upon the 30th day of August last travel with his Waggon, [Wain, Cart or Carriage] through the said Parish of L. in this County drawn with six Horses at length contrary to the Statute in that Case made and provided, for which Offence he hath forfeited the Sum of 40 s. These are therefore to authorize and in her Majesties Name to charge and command you and every of you forthwith to levy the said Sum of 40 s. upon the Goods and Chattels of the said A. B. rendring to him the Overplus, if any be, reasonable Charges of distraining first deducted; and the same Monies so by you levied, you are to dispose as followeth, that is to say, one third part to the Surveyors of the Highways within your said Parish, to be employed in the Repairs of the said Highways; one other third part you are to pay the Overseers of the Poor within your said

said Parish to be to the use of the Poor there; and the other *13 s. 4 d.* third part you are to pay to the said J. S. for discovering the same. Hereof fail not. Given, &c.

Watch and Ward.

(327) A Warrant for Watch and Ward.

To the High-Constable of the Hundred of D. and the Petty-Constables, &c. within the said Hundred.

Devon. ss. **F**Orasmuch as Information hath been given unto *Watch and* us, That many suspicious idle Persons do wan- *Ward to* der about the Country without Controlement or question, *be kept in* whereby many Robberies and Misdemeanours have been oc- *every Town* casioned; therefore to prevent the same for the future, these *from Mi-* are in her Majesties Name to charge and command you, and chaelmas every of you to look to your Duty herein, and to see that *to Ascen-* you keep and cause Watches to be duly kept in all Parishes *tion-day,* and places within your said Hundred of D. by able and well *13 Ed. 1.* armed Men every Night, and ward by Day from Sun to cap. 4. Sun, for the apprehending of all Rogues, Vagabonds, sturdy *5 Ed. 3.* Beggars, and other wandring and idle suspicious Persons, cap. 14th and to bring them before us, or some other of her Majesties *2 Justices.* Justices of the said County to be examined and dealt with according to Law. And all persons whatsoever are hereby commanded to be aiding, assisting and obedient to you herein. Hereof fail not, &c. Given, &c.

(328) A *Mittimus* of one taken by the Watch.

To the Keeper of the House of Correction of S. &c.

Devon. ss. **F**Orasmuch as R. D. was this present day brought *5 Ed. 3.* before me by A. B. Constable of the Town of cap. 14. *S* being by his Watch this last Night apprehended and charged with wandring and roguing abroad, and other lewd and disorderly Behaviour and Course of Life contrary to the Laws in such behalf provided. These are therefore in her Majesties Name to will and require you to receive and take into your Custody the said R. D. and him safely keep until he shall be thence delivered by due Order of Law. [And in the mean time to hold him the said R. D. to such Labour and Work, and give unto him such Punishment and Maintenance as by the Laws are required; and that you have the *said*

said R. D. at the next Quarter Sessions to be holden at E. together with this Warrant.] Given, &c.

(329) Weights and Measures.

11 H.7. 4. TWO Justices, one of the *Quorum*, have Authority as
12 H.7. 5. well by Examination as Enquiry to hear and determine the default of the Head-Officers in Cities, Boroughs and Market-Towns that do not twice yearly view and examine Weights and Measures, and cause the defective to be broken and burnt. As also of all Buyers and Sellers, which do not buy and sell with lawful Weights and Measures, may destroy the defective, and set Fines and Amerciaments upon the Offenders according to their discretion, and make Process against them, as if they were indicted of Trespass against the Peace, &c.

Wood.

(330) A Warrant to search for stolen Wood.

To the Constables and Burshoulders, &c.

15 Car. 2. D. ff. FOrasmuch as Complaint hath been made unto me
cap. 2. by R. G. of, &c. That Wood [or Underwood,
1 Justice. Poles, young Trees, Bark or Bast of Trees, Gates, Stiles, Posts, Pales, Rales, Hedgewood, Broom or Furze] was within four days last past taken out of his Lands in S: in the said County, and hath prayed my Relief therein according as by the Statutes (in such case) is provided. These are therefore in her Majesties Name to will and command you, and every of you, that you, some or one of you do enter into and search the Houses, Out-houses, Yards, Gardens or other Places belonging to the Houses within the said Hundred, of all and every person or persons which you shall suspect to have any of the said Wood, (&c.) And wheresoever you shall find any such, to apprehend or cause to be apprehended all and every person and persons suspected for the cutting and taking of the same, and them and every of them, as also those in whose Houses or Places belonging to them any such Wood, (&c.) shall be found, to bring before me or some other of her Majesties Justices of the Peace of the said County to be proceeded against as by the Law is directed. Hereof fail not at your perils. Given, &c.

(331) A Warrant against one for stealing Wood.

To the Constable, &c.

D. J. **F**Orasmuch as it appeareth unto me by the Oath of ^{15 Car. 2.}
A. B. of your Town of *C.* that *C. D.* of the same ^{cap. 2.}
 hath lately unlawfully cut down certain Sticks of Wood ^{1 Witness}
 within your said Parish belonging to *E. G.* of your said ^{upon Oath}
 Town, Yeoman, contrary to the Form of the Statute in that ^{or Confes-}
 case made and provided; and whereas it also appeareth ^{sion of the}
 unto me upon Oath, that the said Sticks of Wood were ^{Party:}
 worth to be sold *7 s. 6 d.* These are therefore in her Maje-
 sties Name straitly to charge and command you, and every
 of you, that in case the said *C. D.* do not forthwith pay unto
 the said *E. G.* the said Sum of *7 s. 6 d.* that then you do
 immediately cause the said *C. D.* to be publickly whipped
 about the Town of *C.* Hereof fail not at your perils.
 Given, &c.

(332) *An Order against a Person apprehended with Bundles, &c. of Wood, &c.*

D. J. **F**Orasmuch as *J. S.* of *T.* was within four days last ^{15 Car. 2.}
 past apprehended by *A. B.* Beadle of the same Town ^{cap. 2.}
 of *T.* having a Bundle of* Underwood, and this day brought * ^{Wood,}
 before me to give an account how he came by the same, ^{Underwood,}
 with the consent of the Owner, according to an Act of Par- ^{Poles, young}
 liament lately made, intituled, *An Act for the punishment of Trees, &c.*
the unlawful cutting or stealing, spoiling of Wood and Underwood, ^{as before.}
and destroying of young Timber Trees, and for that he did not
 give such account thereof as did satisfie me, nor produce
 the Party of whom he bought the same; or any other cre-
 dible Witness to depose upon Oath such Sale thereof, where-
 by he is according to the said Act by me deemed and ad-
 judged as convict of the Offence of cutting and spoiling of
 the said Underwood, within the meaning of another Act of
 Parliament made in the 43^d year of the Reign of Queen Eli- ^{43 Eliz. 7.}
 zabeth, intituled, *An Act to avoid and prevent Misdemeanours in*
idle and lewd Persons And forasmuch as it appeareth unto
 me, That *C. D.* of, (&c.) was lawful Owner of the said
 Underwood; I do therefore according to the meaning of
 the said Acts, order and appoint, That the said *J. S.* shall * ^{Such Sum}
 within ten days now next ensuing give the said *C. D.* the ^{as the Ju-}
 Sum of * *6 s. 8 d.* of lawful Money of England for recom- ^{stices shall}
 pence and satisfaction for his Damages, and that the said ^{set down.}
 O o 2 J. S.

7. S. shall over and above pay down presently unto the Overseers for the use of the Poor of the Parish of T. in the said County where the said Offence was committed, * 5 s. of
** Any Sum not exceeding 10 s.* lawful Money. Given under my Hand and Seal, &c.

(333) A *Mittimus* for not obeying the Justices Order.

To the Constable, &c. and to the Keeper of the House of Correction, &c.

15 Car. 2. **W**Hereas J. S. within six days last past was apprehended
cap. 2. [&c. reciting the former Proceedings, and order of
Justice. payment to the Owner and Poor] And forasmuch as the
said J. S. did not according to the said Order and Appoint-
ment give or pay the Moneys aforesaid. These are there-
fore to authorize, and in her Majesties Name to charge and
command you forthwith to convey the said J. S. to the
aforesaid House of Correction, and him there to deliver to
the Keeper of the same (together with this Precept) com-
manding also you the said Keeper to receive him into the
said House, and him there to detain by the space of twenty
* days next after such receipt of him. Hereof fail not at
your perils. Given, &c.

(334) *A Mittimus for the second Offence.*

D. J. **W**Hereas, &c. (as before to) *An Act to avoid and prevent divers Misdemeanours in idle and lewd Persons ;* And forasmuch as the said *J. S.* was once before convict of the said Offence, and was thereof convicted, (*as before.*) These are therefore in her Majesties Name to charge and command you, the said Constable and Bursholders to convey the said *J. S.* to the aforesaid House of Correction, and there deliver him to the Keeper of the same, (together with this Precept) commanding also you the said Keeper to receive him into the said House, and there keep him one month to hard Labour. Hereof fail not at your perils. Given, &c.

For the third Offence to be deemed as an incorrigible
Rogue.

(335) An

(335) An Order against the Buyer of stolen Wood, &c.

To the Constable, &c.

D. ff. **F**ORasmuch as upon Examination by me this day, ac- 15 Car. 2.
 cording to an Act of Parliament lately made, inti- cap. 2.
 tuled, *An Act for the Punishment of unlawful cutting or stealing, Justice.*
or spoiling of Wood and Underwood, and Destroyers of Young Timber
Trees. It appeared unto me, that J. S. of, &c. did within
 ten days last past buy a Burthen of Poles * of Wood of A. B. * Or Bur-
 being a person justly suspected to have unlawfully come by then of
 the same, and that the same was unlawfully come by and Wood, Un-
 unlawfully taken from C. D. of, &c. and was of the value derwood,
 of, &c. of lawful Money of England; I do therefore accord- young Trees,
 ing to the said Act award, That the said J. S. shall pay to &c. as be-
 the said C. D. 15 s. of lawful Money of England, being the fore noted.
 treble of the said burthen of Poles so bought as aforesaid.
 Given under my Hand and Seal, &c.

(336) A Warrant to distrain for not paying according to the Order.

To the Constable, &c.

D. ff. **V**HEREAS upon Examination by me lately 15 Car. 2.
 taken according to an Act of Parliament cap. 2.
 lately made, intituled (&c. as before) it appeared unto me, Justice.
 that J. S. did within ten days then last past buy a burthen of
 Poles of Wood of A. B. being a person justly suspected to have
 unlawfully come by, and unlawfully taken from C. D. of,
 &c. and was of the value of, &c. of lawful Money of Eng-
 land; I did therefore, according to the said Act, award that
 the said J. S. should pay the said 15 s. of lawful Money of
 England, being the treble value of the said burthen of Poles
 so bought as aforesaid; And forasmuch as the said J. S. hath
 not paid to the said C. D. the aforesaid 15 s. according to
 my said award. These are therefore in her Majesties Name
 to charge and command you to levy the said 15 s. by Dis-
 tress and Sale of the Goods of the said J. S. rendring to
 him the Overplus (if any be) and after you have so levied
 the said 15 s. forthwith to pay the same unto the said C. D.
 Hereof fail not at your perils. Given, &c.

(337) A *Mittimus* for want of Distress.*To the Constable, &c. and to the Keeper, &c.*

15 Car. 2. D. ff. **V** Hereas upon Examination, (&c. reciting
cap. 2. as before *usq;*) and after you had levied
1 Justice. the same, forthwith to pay the same unto the said C. D. And
forasmuch as you the said Constable have returned unto me,
that in default of such Distress you cannot levy the said
Sum of 15 s. These are therefore in her Majesties Name to
charge and command you the said Constable and Bursholders,
and every of you to attach the said I. S. and him safely con-
vey to her Majesties Gaol aforesaid, at his own charge, and
there deliver him to the Keeper of the same, together with
this Precept, commanding also you the said Keeper to re-
ceive him into the said Gaol, and him there safely keep
one month without Bail. Hereof fail not at your perils,
Given, &c.

Woollen.

30 Car. 2. **A** Affidavit to be made within eight days after the Burial ;
cap. 3. See the printed *Affidavit*; to be witnessed by two per-
sons present at the swearing.
32 Car. 2. See the printed *Certificates* of the Justice, and of the Mi-
cap. 1. nister, for Burying, or for neglect of Burying in Woollen.

(338) A Warrant from a Justice for levying 5 l.
for not burying in Woollen.*To the Constables, Churchwardens and Overseers of the Poor of, &c.*

30 Car. 2. D. ff. **F** Orasmuch as I have the day of the date hereof re-
cap. 3. ceived a Certificate dated the day of last
past, under the Hand of I. R. Minister of the Parish of T.
If a Ser- That one A. B. of the said Parish, Gent. was buried
vant, then there the day of the said month of and that
to be levi- he had received no Affidavit of his being buried in no
ed on the other Material but Sheeps Wooll only, according to an Act
Goods of of Parliament lately made for that purpose. These are
the Master therefore in her Majesties Name to authorize and command
or Mistris ; you, and either of you, forthwith to levy the Sum of 5 l.
if a Son or
Daughter dying in the Family, then of the Goods of the Father or Mother.

of lawful Money of *England* by way of Distress and Sale of the Goods and Chattels of the Party deceased, rendering the Overplus which shall remain upon such Sale as aforesaid, unto such person and persons to whom the said Goods shall belong. And hereof fail not, &c. Given, &c.

The Forfeiture is to be divided thus: One moiety to the use of the Poor of the Parish where the party is buried, the other Moiety to him that will sue for the same.

The Justice for not granting such Warrant forfeits 5*l*.

(339) A Certificate of the Minister where no Affidavit is brought to him.

To the Churchwardens or Overseers of the Poor of the Parish of O. in the County of R.

I A. B. Rector of the Parish aforesaid, do hereby certify ^{30 Car. 2.} unto you, and every of you, that C. D. was buried in ^{s. 3. §. 6.} the said Parish of O. on the second day of this Instant *July*, and that within eight days next after the said Burial no Affidavit was brought me concerning the said C. D.'s being Buried in Woollen as directed by the Statute. Witness my Hand this Eleventh Day of *July*, *Anno Dom. &c.*

West' Rid'
Com'Ebor'

II. *Ad General' Quarterial' Session' Pacis Domine Reginae tent' apud Pontefract in & pro le West Rid' Com' prædict' die Martis in Prima Septimana post Claus. Pasche scilicet secundo die Aprilis Anno Regni Domine Annæ Dei Gratia Angliæ, Scotiæ Franciæ & Hiberniæ Reginae Fidei Defensor', &c. quinto; Coram Georgio Tempest, Walter' Hawksworth Baronettis; Ciril Arthington, Johanne Bradshaw, Richardo Musgrave, Roberto Benson, Willielmo Nevil, Henrico Currer, Samuel' Mellish, Thoma Vincent, Thoma Westby, Willielmo Wickham Armigeris, & aliis sociis suis justiciariis pacis ibidem, &c.*

A Limitation and appointment of the several Wages of Artificers, Handicrafts-Men, Husbandmen, Labourers, Servants, and Workmen, within the West-Riding of the County of York; Rated and agreed upon, at the said Sessions, by the Justices of the Peace then and there assembled, the Day and Year abovesaid; according to the Tenor, form and effect of the several Acts of Parliament in that case made and provided: viz.

(340.) *Artificers and Handicrafts-Men.*

5 Eliz. c. 4.
1 Jac. 1. c. 6.

A Master Mason that taketh charge of a Building having under him one or more Men that have been two years or upwards at the trade shall take for Wages for himself by the day at any time of the year with meat and drink not above six pence, and without meat and drink not above one shilling; and for every one that worketh under him with meat and drink not above five pence, and without meat and drink not above ten pence.

A Man for making a rough dry Stone-wall one yard and a half high, and half a yard thick having the Stones laid by him, shall take by the Rood, without meat and drink, not above one shilling.

A Master-Carpenter who taketh charge of a Building, and hath one or more Men under him that hath been two years or upwards at the Trade shall take by the day without meat and drink not above one shilling, and with meat and drink, not above six pence.

A Master Mill-wright shall take for himself by the day without meat and drink not above 1 s. and 6 d. and for his Servant without meat and drink not above 1 s.

A Master or other that hath but one Man or none, and that doth not take charge of a Building but of other Work, as hewing, squaring, walling, or such like; a Lime-burner, Cooper, Brickmaker, Bricklayer, Thatcher, Slater and Tyler, shall respectively take by the day with meat and drink from the Annunciation of the Blessed Virgin Mary until Michaelmas, not above

bove 6 *d.* and without meat and drink not above 1 *s.* and from *Michaelmas* until the *Annunciation of the Blessed Virgin Mary*, with meat and drink not above 4 *d.* and without meat and drink, not above 10 *d.*

A Master-Taylor shall take by the day, with meat and drink, not above 4 *d.* and for his Servant not above 2 *d.*

A Grader of Turfs or Peats shall take by the Day, with meat and drink, not above 4 *d.* and without meat and drink not above 8 *d.*

Labourers in Husbandry.

A Man for ditching, pailing, railing, hedging, Thrashing, and other Labourer's Work, from the *Feast of St. Martin* to *Candlemas-day* shall take for wages by the day with meat and drink not above 2 *d.* and without meat and drink not above 6 *d.* and from *Candlemas-day* to the *Feast of St. Martin*, with meat and drink not above 4 *d.* and without meat and drink not above 8 *d.*

A Man for casting or setting any Ditch one yard and a quarter broad and a yard deep, having the quickwood ready laid beside him, shall take for a Rood not above 6 *d.* and when the Ditch is bigger or lesser more or less after the same Rate; and for scouring a Ditch three Spades breadth and two depth, shall take for a Rood not above 2 *d.* and for staking, one spade gripp in breadth and depth for every Rood not above 1 *d.*

Labourers in Harvest-work.

A Mower of Grass or Corn, shall take for his wages by the day with meat and drink not above 6 *d.* and without meat and drink not above 1 *s.*

A Shearer of Corn shall take by the day with meat and drink not above 6 *d.* and without meat and drink, not above 1 *s.*

A Woman-Shearer of Corn shall take by the day with meat and drink not above 4 *d.* and without meat and drink not above 6 *d.*

An Haymaker, Weeder or Looker of Corn, shall take by the day with meat and drink not above 4 *d.* and without meat and drink not above 8 *d.* A Woman shall but take half as much.

None shall take for Mowing an Acre of Meadow Statute-Measure above 1 *s.*

Household Servants.

A Bayliff or Foreman of Husbandry, that is hired with a Gentleman, or Yeoman that doth not Labour himself but putteth his whole charge to his Servant, shall take for his Wages by the year with meat and drink and a livery not above 4 *l.* 10 *s.* and without a Livery 5 *l.*

A chief Servant in Husbandry to a Yeoman or Husbandman that can Mow and Sow, and do other Husbandry-work well shall take by the year with meat and drink not above 3 *l.* 10 *s.*

An ordinary Servant in Husbandry that can Mow and Plow well shall take by the year with meat and drink not above 2 *l.* 5 *s.*

A young Man between the age of twelve and sixteen years shall take by the year, with meat and drink not above 1 *l.* 16 *s.* and 8 *d.*

A *Millner* that is skilful in mending of his Mill, shall take by the year with meat and drink not above 4 *l.* and one that is not so skilful not above 3 *l.*

A Woman-Servant that taketh charge of Brewing, Baking, and of the Kitchen and Milk-house, that is hired with a Gentleman or Yeoman (whose Wife does not take that charge upon her) shall take by the year with meat and drink not above 40 *s.*

A Woman-Servant that serveth an Husbandman or Farmer, or any other Woman-Servant, shall take by the year with meat and drink not above 1 *l.* 10 *s.*

A young Maid-Servant under the age of sixteen years shall take by the year with meat and drink not above 20 *s.*

Colliers.

A *Collier* or Workman that is skillful in getting Coals shall take for his Wages by the day without meat and drink not above 1 *s.*

A *Filler* or Barrower of Coals shall take by the day with meat and drink not above 10 *d.*

A *Barksman* or Drawer up of Coals shall take by the day with meat and drink not above 8 *d.*

I*T is Ordered that the Justices of the Peace of this Riding at their Monthly meetings twice in the year at the least require the Petty Constables to give an Account what number and sort of Men and Women-Servants each Inhabitant within his Constabulary hath, and what Wages every Master gives to every particular Servant.*

That one or more of the next Justices of the Peace be present at every Statute, or Petty Sessions; and that the Bayliffs of every Hundred and their Deputies, together with the chief Constables and all the Petty Constables be Summoned to give their Attendance at the said Petty Sessions: And that the said Sessions be kept only in the Month of October next, upon such days as the Justices of the Peace of the Division shall Appoint.

And to the end that Masters and Servants may not be Ignorant of the Law, they make take notice that it is enacted by

by the 5th. of *Eliz. cap. 4.* That no Person who shall retain any Servant shall put away his or her Servant before the end of his or her Term without reasonable and sufficient Cause to be allowed before some Justice of the Peace of the County or Place, nor at the end of his or her Term without one quarters warning given before the said End, (to be proved by two Witnesses) in pain of 40 s.

That if any Person shall by any secret ways or means directly or indirectly retain or keep any Servant, Workman, or Labourer, or give greater Wages than are hereby appointed, he shall suffer Imprisonment by the space of 10 days without Bail, and shall forfeit 5 l.

That no Servant lawfully retained shall depart from his or her Master, Mistress, or Dame's Service, before the end of his or her Term, without reasonable and sufficient Cause to be allowed as aforesaid, nor at the end of his or her Term without one quarters warning given before the said end, in the presence of two lawful Witnesses, in pain of Imprisonment without Bail.

That if any Person betwixt the age of twelve years and sixty, liable to be retained by the said *Statute* and not retained, shall upon request made refuse to serve for the Wages hereby set, in Husbandry, or in Arts and Mysteries mentioned in the said *Statute*, or promise or covenant to serve, and do not serve according to the tenor of the same, such Person so offending shall suffer Imprisonment without Bail, till he shall be bound to the party to whom the offence shall be made, to serve and continue with him for the Wages hereby set.

That if any Person shall be retained and take greater Wages than are hereby set, he shall suffer Imprisonment for 21 days without Bail.

That no Artificer, or Labourer, that shall be lawfully retained in or for the building or repairing of any House or any other work taken by the great, shall leave the same before it be quite finished except for Non-payment of Wages, the *Queen's Service*, or other lawful cause, or without License of the Master or Owner of the Work, or of them that have the charge thereof, in pain of one Months Imprisonment without Bail, and to forfeit to the party grieved 5 l. besides his Costs and Charges at *Common-Law*.

That no Servant shall after the time of his retainer expired, depart out of one County, Wapentake, City, Town or Parish to Serve in another, without a Testimonial under the Seals of the Constable, and two honest Householders where he last lived; nor be retained without shewing such Testimonial, under pain of Imprisonment till he procure such Testimonial: And that no Master shall retain a
 Servant

Servant without such a Testimonial in pain of *s l.* which said Testimonial is directed by the said *Statute* to be written and delivered to the said Servant, and to be registred by the Parson Vicar or Curate of the Parish where such Master, Mistress or Dame doth or shall dwell, taking for the doing thereof 2 *d.* and not above; and the form thereof to be as followeth, *viz.*

We⁴ Rid'
Com' Ebor'

Md. That A. B. Servant to C. D. in the said Riding Husband-
man [or Taylor, &c. as the Case shall be] is licensed to
depart from his Master, and is at liberty to serve elsewhere,
according to the Statute in that case made and provided. In
Witness whereof We who are Inhabitants of the said Town
of E. have hereunto Set our Seals the Day of
Anno Dom. 1706.

And Lastly it is Ordered by this Court that a Copy hereof be sent to every Township within this Riding, and that the same be publish'd in every Market-Town, at the Market-Cross, between the Hours of twelve and one, upon some Market-day before Michaelmas next, by the Bayliffs of the respective Wapentakes, And also that the Petty Constables go to every particular Family within their respective Constableries and declare the Contents of this Order and Rates of Wages. And after fix the same upon the Church or Chappel Doors, or in some other Publick Place within their respective Townships the Sunday before the Statute or Petty Sessions.

Per Cur³

T. Shelton Cler' Pac' ib.

ff. Ad General' Quarterial' Session' Pacis Domina Regina tent. West' Rid' apud Pontefract, in & pro le West' Rid' Com' pradiet' Die Com'Ebor'. Martis in Prima Septimana post Claus. Pasche, scilicet secundo Die Aprilis, Anno Regni Domina Annæ, Dei Gratia Angliæ, Scotiæ, Franciæ & Hiberniæ Regina, Fidei Defensor, &c. quinto; Coram Georgio Tempest, Walter' Hawksworth Baronetis; Ciril Arthington, Johanne Bradshaw, Richardo Musgrave, Roberto Benson, Willielmo Nevil, Henrico Curre, Samuel' Mellish, Thoma Vincent, Thoma Westby, Willielmo Wickham Armigeris, & aliis Sociis suis Justiciariis Pacis ibidem, &c.

(341.) Rates for Land Carriage of Goods.

BY virtue of a late Act of Parliament, Entituled, *An Act III. & IV. for the better Repairing and Amending the Highways, and W. & M. for settling the Rates for Carriage of Goods; Her Majesties Ju-* cap. 12.
 stices of the Peace at the said Quarter Sessions Assembled, have assessed and rated the prices of Land-carriage of Goods whatsoever, to be brought into any place or places within this Riding, by any Common Waggoner or Carrier, at the respective Rates and Prices following, viz.

From London to Doncaster, Rotherham, Sheffield, Barnsley, Pontefract, Wakefield, Halifax, Leeds, or to any other place within this Riding, as far distant from London as Leeds is, from May-day to Michaelmas 14 d. per Stone, and from Michaelmas to May-day 18 d. per Stone, and for every odd Pound, throughout the whole year, Five-farthings, and no more.

From London to Burrough-bridge, from May-day to Michaelmas 16 d. per Stone, and from Michaelmas to May-day 19 d. per Stone, and for every odd pound, throughout the whole year, three-half-pence, and no more.

From London to Settle, from May-day to Michaelmas 18 d. per Stone, and from Michaelmas to May-day 22 d. per Stone, and for every odd pound, throughout the whole year, seven-farthings, and no more.

From London to any place within this Riding, that is distant from London 20 Miles further than Leeds (except the particular places before-mentioned) two-pence-half-penny per Stone, more than the said 14 d. and 18 d. respectively, and proportionably for a greater or lesser distance.

From York to Wakefield, or to any other place within this Riding, that is 20 Miles distant from York, two-pence-half-penny per Stone; and proportionably for a greater or lesser distance.

From any place out of this Riding, to any place of 20 Miles distance in this Riding, and from any one place to another, of the same distance, within this Riding, two-pence-half-

half-penny per Stone, and proportionably for a greater or lesser distance.

From *Leeds* or *Wakefield* to *Selby* or *Turnbridge*, and from any other Market-Town or Place within this *Riding* to *Selby* or *Turnbridge*, as far distant from the same respectively, as *Leeds* is, a Truss containing four Horse-Packs, and proportionably more or less, from *May-day* to *Michaelmas* 6 s. and 6 d. from *Michaelmas* to *Christmas* 10 s. and 6 d. from *Christmas* to *May-day* 15 s. and 6 d. and proportionably for a greater or lesser distance.

From *Selby* or *Turnbridge* to *Leeds* or *Wakefield*, or to any other Market-Town or Place within this *Riding*, as far distant from *Selby* or *Turnbridge* as *Leeds* is, from *May-day* to *Michaelmas* 12 s. per Tun, from *Michaelmas* to *Christmas* 18 s. per Tun, from *Christmas* to *May-day* 24 s. per Tun, and proportionably more or less for a greater or less distance.

And it is Ordered by this Court, That these Rates be Printed and sent to the several Mayors, and other Chief Officers of each respective Market-Town within this Riding, to be hang up in some publick place in every such Market-Town, to which all Persons may resort for their Information ; and to the end that no Common Waggoner or Carrier may be Ignorant of the Law, they may hereby take Notice, that none of them is to take for Carriage of Goods and Merchandises, above the Rates and Prices hereby set, upon pain to forfeit for every such Offence the Sum of Five pounds ; to be levied by Distress and Sale of his and their Goods, by Warrant of any two Justices of the Peace, where such Waggoner or Carrier shall reside, in manner as by the said Act is appointed, to the use of the Party grieved.

Per Cur'

T. Shelton, Cler' Pacis ib.

ERRATA.

PAge 174.l.2.r. this alters no property, p.266.l.16. from the bottom r. the 1 of Mar. 1706. p.268.l.18. from the bottom r. shall not extend, p.80.l.9 from the bottom r. for making.

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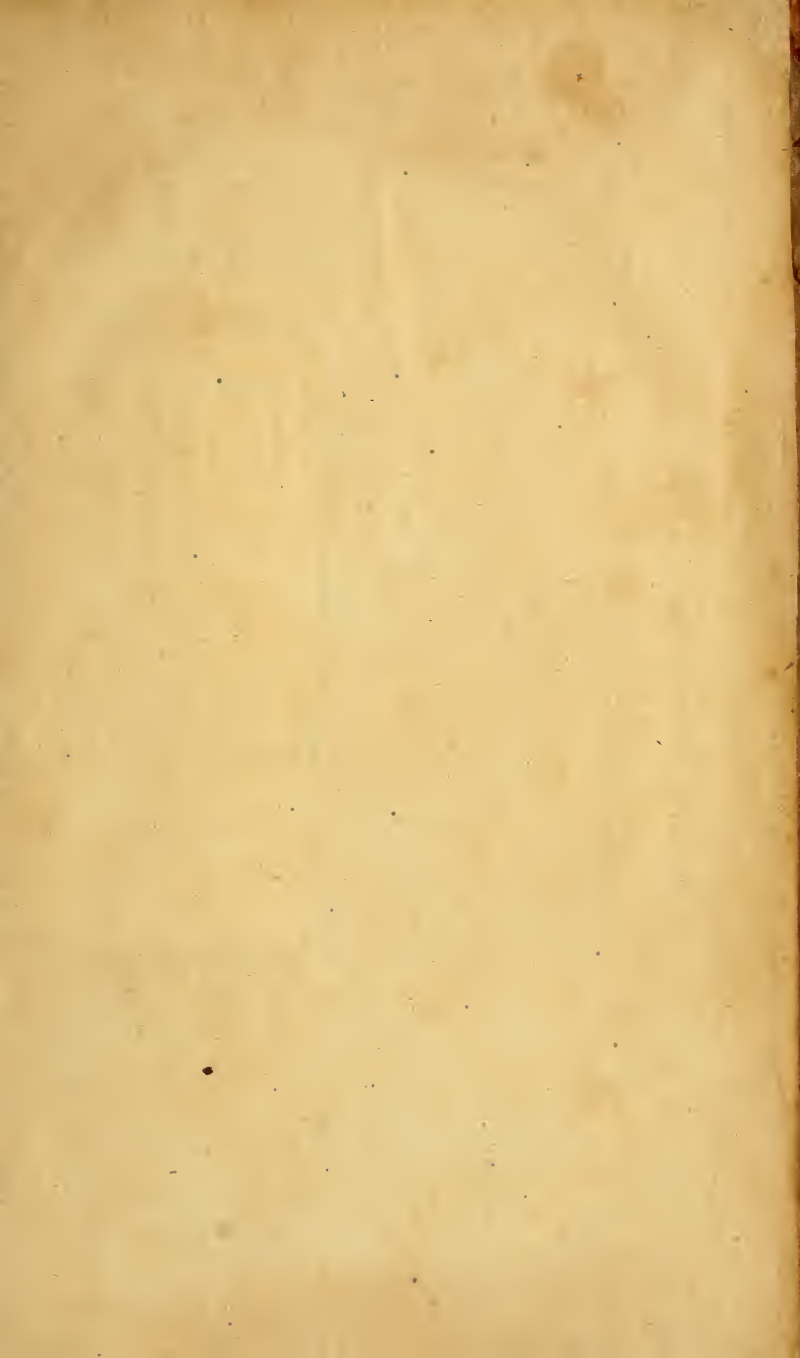
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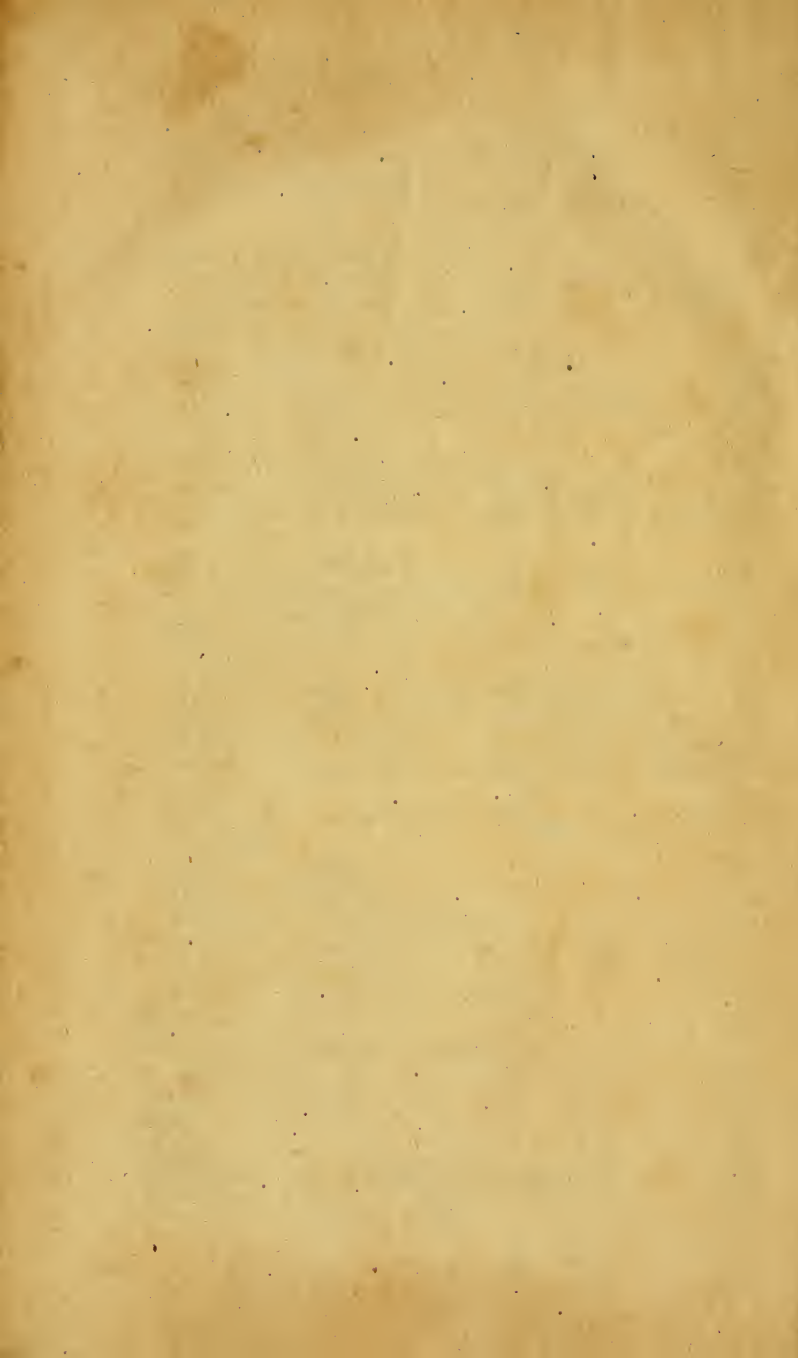
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